



Appendices A, B, and C

Accompanying Report to Congress on the Use of Administrative Subpoena Authorities by Executive Branch Agencies and Entities

Pursuant to Public Law 106-544

Appendix A1:

Administrative Subpoena Authorities Held by Agencies
Other Than the Departments of Justice and Treasury

Accompanying a
Report to Congress on the
Use of Administrative Subpoena Authorities
by Executive Branch Agencies and Entities

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Appendix A

Administrative Subpoena Authorities Held by Agencies Other Than the Departments of Justice and Treasury **P.L. 106-544, Section 7(a), Executive Branch Study on Administrative Subpoena Authority,** **Scope and Protections**

† Denotes supplemental entry derived from independent research, not submitted by the relevant agency or department

* Denotes Administrative Law Judge authority (For purposes of this report, “administrative subpoena” authority has been defined to include all powers, regardless of name, that Congress has granted to federal agencies to make an administrative or civil investigatory demand compelling document production or testimony. Civil compulsory process authorities with provision for judicial enforcement are included. Grand jury subpoenas, administrative law judge subpoenas, and investigative authorities requiring judicial approval are not within the scope of the report; however, descriptions of administrative law judge subpoenas submitted by individual agencies and entities have been included as submitted.)

<i>Name of Submitting Agency or Entity</i>	<i>Source and Common Name of Authority (Including Act Name, P.L. and U.S.C. & CFR cites)</i>	<i>Scope of Authority Description</i>	<i>Enforcement Mechanism Description</i>	<i>Notification Req. and Privacy Protections</i>	<i>Issuance Standards and Qualifiers or Procedures</i>
Appalachian Regional Commission					
Appalachian Regional Commission	IG Act & Amend. P.L. 95-452 P.L. 100-504 5 U.S.C. Appendix 3, Section 4	Administrative subpoena for documentary evidence.	Courts by showing: 1. IG authority 2. Relevant to inquiry 3. Not to indefinite	Privacy Act of 1978 12 U.S.S. Sections 3406-3422	Obtain information from non-government agencies.
Broadcasting Board of Governors	Holds no administrative subpoena authority.				
Chemical Safety					

<p>and Hazard Investigation Board (CSB)</p>					
<p>Chemical Safety and Hazard Investigation Board (CSB)</p>	<p>Clean Air Act Amendments of 1990; 42 U.S.C. 7412(r)(6)(L)(i); P.L. 101-549</p>	<p>Authority to require by subpoena attendance and testimony of witnesses and production of evidence as required by the Board to carry out its duties authorized by 42 U.S.C. 7412(r)(6)(C) (investigation of accidental chemical releases, issuance of safety recommendations, and establishment of reporting regulations).</p>	<p>Enforcement proceeding in Federal district court.</p>	<p>Applicable privacy exemptions of the Freedom of Information Act, 5 U.S.C. 552; Privacy Act of 1974, 5 U.S.C. 552a.</p>	<p>Issuance standard: "reasonableness," as determined by the standards set forth in <u>Oklahoma Press Publ'g Co. v. Walling</u>, 327 U.S. 186 (1946). Procedures: subpoenas must be issued in accordance with procedures established by an internal Board order.</p>
<p>Chemical Safety and Hazard Investigation Board (CSB)</p>	<p>Clean Air Act Amendments of 1990; 42 U.S.C. 7412(r)(6)(L)(i); P.L. 101-549</p>	<p>Authority to require by order that any person engaged in the production, processing, handling or storage of extremely hazardous substances submit written reports or responses to questions as required by the Board to</p>	<p>Enforcement proceeding in Federal district court</p>	<p>Applicable privacy exemptions of the Freedom of Information Act, 5 U.S.C. 552; Privacy Act of 1974, 5 U.S.C. 552a.</p>	<p>Standards and procedures not explicitly provided.</p>

		carry out its duties authorized by 42 U.S.C. 7412(r)(6)(C).			
Chemical Safety and Hazard Investigation Board (CSB)	Clean Air Act Amendments of 1990 42 U.S.C. 7607(a)(1)	<p>The CSB’s enabling statute, 42 U.S.C. 7412(r)(6)(M), also authorizes the Board to use the subpoena authority provided to the Administrator of the EPA by 42 U.S.C. 7607(a)(1)</p> <p>The authority is to issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents.</p> <p>This subpoena authority is an essential tool in conducting investigations, allowing the Board to obtain the cooperation of, and gather critical information from, witnesses and companies who are often reluctant and at times obstructionist. This authority has been used or cited in several investigations.</p> <p>The authority is to issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents.</p>	Enforcement proceeding in Federal district court	Applicable privacy exemption of the Freedom of Information Act, 5 U.S.C. 552; Privacy Act of 1974, 5 U.S.C. 552a.	<p>Issuance standard: “reasonableness,” as determined by the standards set forth in <u>Oklahoma Press Publ’g Co. v. Walling</u>, 327 U.S. 186 (1946).</p> <p>Procedures: subpoenas must be issued in accordance with procedures established by an internal Board order.</p>

<p>Commodity Futures Trading Commission</p>					
<p>Commodity Futures Trading Commission</p>	<p>Commodity Exchange Act (“CEA”), Pub. L. No. 93-463, as amended, § 6(c), 7 U.S.C. § 15 (2000); CFTC Rules Relating to Investigations, Part 11, 17 C.F.R. Part 11 (2001).</p>	<p>“For the purpose of securing effective enforcement of [the provisions of the CEA and] for the purpose of any investigation or proceeding under [the CEA] . . . any member of the Commission or any Administrative Law Judge or other officer designated by the Commission . . . may . . . subpoena witnesses, compel their attendance . . . and require the production of any books, papers, correspondence, memoranda, or other records that the Commission deems relevant or material to the inquiry.” 7 U.S.C. § 15.</p>	<p>Enforcement action in federal district court. Section 6(c) of the CEA, 7 U.S.C. § 15.</p>	<ol style="list-style-type: none"> 1. Privacy Act of 1974, 5 U.S.C. § 552a. 2. Records Maintained on Individuals, 17 C.F.R. Part 146 (CFTC’s regulations implementing the Privacy Act). 3. Right to Financial Privacy Act, 12 U.S.C. § 3401 <i>et seq.</i> 4. Electronic Communications Privacy Act of 1986 (“ECPA”), 18 U.S.C. § 2701 <i>et seq.</i> 5. All information and documents obtained during the course of an investigation and all investigative proceedings shall be treated as non-public by the CFTC and its staff except to the extent that (1) the Commission directs or authorizes the public disclosure of the investigation; (2) the information or documents are made a matter of public record during the course of an adjudicatory proceeding; or (3) disclosure is required by 	<ol style="list-style-type: none"> 1. The CFTC’s Division of Enforcement (“DOE”) requests that the CFTC issue an “Order of Investigation” delegating its subpoena authority to specifically identified DOE staff members. 2. An order of the CFTC authorizing one or more members of the CFTC or of its staff to issue subpoenas in the course of a particular investigation shall include (1) a general description of the scope of the investigation; (2) the authority under which the investigation is being conducted; and (3) a designation of the members of the CFTC or its staff authorized by the CFTC to issue subpoenas. 17 C.F.R. § 11.4. 3. DOE Enforcement Procedure No. 6, regarding DOE’s application of the Privacy Act, is a non-statutory procedure. 4. DOE also has prepared Compliance manuals to provide guidance and procedures for its staff

				<p>the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the rules adopted by the CFTC thereunder, 17 C.F.R. Part 145. Procedures by which persons submitting information to the CFTC during the course of an investigation may specifically seek confidential treatment of information for purposes of FOIA disclosure are set forth in 17 C.F.R. § 145.9. A request for confidential treatment of information for purposes of FOIA shall not, however, prevent disclosure for law enforcement purposes or when disclosure is otherwise found appropriate in the public interest and permitted by law. 17 C.F.R. § 11.3.</p>	with respect to both the RFPA and the ECPA.
<p>Commodity Futures Trading Commission</p>	<p>Commodity Exchange Act (“CEA”), Pub. L. No. 93-463, as amended, § 6(c), 7 U.S.C. § 15 (2000); Part 10 Rules of Practice, 17 C.F.R. Part 10 (2001).</p>	<p>“For the purpose of securing effective enforcement of [the provisions of the CEA and] for the purpose of any investigation or proceeding under the CEA . . . any member of the Commission or any Administrative Law Judge or other officer designated by the Commission . . . may . . . subpoena witnesses, compel their attendance . .</p>	<p>Enforcement action in federal district court. 7 U.S.C. § 15. <i>See also</i> 17 C.F.R. § 10.68(f) (enforcement proceedings).</p>	<ol style="list-style-type: none"> 1. Privacy Act of 1974, 5 U.S.C. § 552a. 2. Records Maintained on Individuals, 17 C.F.R. Part 146 (CFTC’s regulations implementing the Privacy Act). 3. Right to Financial Privacy Act, 12 U.S.C. § 3401 <i>et seq.</i> 4. Electronic 	<ol style="list-style-type: none"> 1. The Part 10 Rules of Practice govern adjudicatory proceedings before the CFTC under the CEA. <i>See</i> 17 C.F.R. § 10.1. 2. Administrative law judges and judgment officers preside over adjudicatory proceedings. Presiding officers are authorized to issue administrative subpoenas.

		<p>. and require the production of any books, papers, correspondence, memoranda, or other records that the Commission deems relevant or material to the inquiry.” 7 U.S.C. § 15.</p>		<p>Communications Privacy Act of 1986 (“ECPA”), 18 U.S.C. § 2701 <i>et seq.</i></p> <p>5. If a person has requested confidential treatment of information submitted by him or her, either pursuant to rules adopted by the CFTC under FOIA or under Part 11 of the CFTC’s rules, the Division of Enforcement shall notify him or her, if possible, that the information is to be disclosed to parties to the proceeding and he or she may apply to the Administrative Law Judge for an order protecting the information from disclosure, consideration of which shall be governed by 17 C.F.R. § 10.68(c)(2). 17 C.F.R. § 10.42(b)(7).</p>	<p><i>See</i> 17 C.F.R. § 10.8.</p> <p>3. In enforcement proceedings, a subpoena ad testificandum shall be issued upon a showing by the requesting party of the general relevance of the testimony being sought. 17 C.F.R. § 10.68.</p> <p>4. The administrative law judge considering any application for a subpoena duces tecum shall issue the subpoena if he is satisfied the application complies with 17 C.F.R. § 10.68 and the request is not unreasonable, oppressive, excessive in scope or unduly burdensome. No detailed or burdensome showing shall be required as a condition to the issuance of any subpoena. 17 C.F.R. § 10.68.</p>
<p>Commodity Futures Trading Commission</p>	<p>Commodity Exchange Act (“CEA”), Pub. L. No. 93-463, as amended, § 6(c), 7 U.S.C. § 15 (2000); Part 12 Rules Relating to Reparation Proceedings, 17 C.F.R. Part 12 (2001).</p>	<p>“For the purpose of securing effective enforcement of [the provisions of the CEA and] for the purpose of any investigation or proceeding under [the CEA] . . . any member of the Commission or any Administrative Law Judge or other officer designated by the Commission . . . may . . . subpoena witnesses, compel their attendance . .</p>	<p>Enforcement action in federal district court. Section 6(c) of the CEA, 7 U.S.C. § 15. <i>See also</i> 17 C.F.R. § 12.313(f) (reparations proceedings).</p>	<p>1. Privacy Act of 1974, 5 U.S.C. § 552a; Records Maintained on Individuals, 17 C.F.R. Part 146 (CFTC’s regulations implementing the Privacy Act).</p> <p>2. Right to Financial Privacy Act, 12 U.S.C. § 3401 <i>et seq.</i></p> <p>3. Electronic</p>	<p>1. The Part 12 Rules Relating to Reparation Proceedings are the rules of practice applicable to reparations applications filed pursuant to Section 14 of the CEA, 7 U.S.C. § 18. <i>See</i> 17 C.F.R. Part 12.</p> <p>2. Administrative law judges and judgment officers preside over reparations proceedings</p>

		<p>. and require the production of any books, papers, correspondence, memoranda, or other records that the Commission deems relevant or material to the inquiry.” 7 U.S.C. § 15.</p>		<p>Communications Privacy Act of 1986 (“ECPA”), 18 U.S.C. § 2701 <i>et seq.</i></p> <p>4. If any party or person against whom an order to produce has been directed acting in good faith has reason to believe that any documents or other tangible thing ordered to be produced contains a trade secret, or commercially sensitive or other confidential information, the party or person may, in lieu of serving any such document, file and serve a written request for confidential treatment of such documents. 17 C.F.R. § 12.34. 1</p>	<p>and are authorized to issue administrative subpoenas. 17 C.F.R. §§ 12.34, 12.36, 12.101, 12.201, 12.209, 12.304, 12.313.</p> <p>3. In reparations proceedings, an administrative law judge considering any application for a subpoena “shall issue the subpoena if he is satisfied the application complies with this rule and the request is not unreasonable, oppressive, excessive in scope or unduly burdensome. In the event the Administrative Law Judge determines that a requested subpoena is unreasonable, oppressive, excessive in scope or unduly burdensome, he may refuse to issue the subpoena, or may issue it only upon such conditions as he determines fairness requires.” 17 C.F.R. § 12.313(a).</p>
<p>Commodity Futures Trading Commission</p>	<p>Commodity Exchange Act (“CEA”), Pub. L. No. 93-463, as amended, §§ 6(c) and 12(f), 7 U.S.C. § 15, 16(f) (2000).</p>	<p>“[F]or the purpose of . . . any action taken under section 16(f) of this title, any member of the Commission or any Administrative Law Judge or other officer designated by the Commission . . . may . . . subpoena</p>	<p>Enforcement action in federal district court. Section 6(c) of the CEA, 7 U.S.C. § 15.</p>	<p>1. Privacy Act of 1974, 5 U.S.C. § 552a; Records Maintained on Individuals, 17 C.F.R. Part 146 (CFTC’s regulations implementing the Privacy Act).</p> <p>2. Right to Financial</p>	<p>1. Section 6(c) of the CEA authorizes the CFTC to issue administrative subpoenas “for the purpose of any action taken under section 12(f).” 7 U.S.C. § 15.</p> <p>2. Section 12(f) of the</p>

		<p>witnesses, compel their attendance . . . and require the production of any books, papers, correspondence, memoranda, or other records that the Commission deems relevant or material to the inquiry.” 7 U.S.C. § 15.</p>		<p>Privacy Act, 12 U.S.C. § 3401 <i>et seq.</i></p> <p>3. Electronic Communications Privacy Act of 1986 (“ECPA”), 18 U.S.C. § 2701 <i>et seq.</i></p>	<p>CEA authorizes the CFTC, in its discretion and “[o]n request from a foreign futures authority” to provide assistance in accordance with this section if the requesting authority states that the requesting authority is conducting an investigation which it deems necessary to determine whether any person has violated, is violating or is about to violate any laws, rules or regulations relating to futures or options matters that the requesting authority administers or enforces. The CFTC may conduct such investigation as the CFTC deems necessary to collect information and evidence pertinent to the request for assistance. Such assistance may be provided without regard to whether the facts stated in the request would also constitute a violation of the laws of the United States. 7 U.S.C. § 16(f).</p> <p>3. In deciding whether to provide assistance to a foreign futures authority, the CFTC shall consider whether “(A) the requesting authority has agreed to provide reciprocal assistance to the [CFTC] in futures and options matters; and (B)</p>
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					compliance with the request would prejudice the public interest of the United States.” 7 U.S.C. § 16(f)(2).
Commodity Futures Trading Commission	Inspector General Act of 1978, as amended, Pub. L. 95-452, 5 U.S.C. app 3, § 6(a)(4) (2000).	Production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence (regardless of medium) necessary for the performance of the functions assigned under the Inspector General Act (essentially a subpoena duces tecum).	In case of refusal to obey, enforcement is obtained by order of any appropriate U.S. district court.	<p>1. Privacy Act of 1974, 5 U.S.C. § 552a.</p> <p>2. Records Maintained on Individuals, 17 C.F.R. Part 146 (CFTC’s regulations implementing the Privacy Act).</p> <p>3. Right to Financial Privacy Act (“RFPA”), 12 U.S.C. §§ 3401 <i>et seq.</i> Notification requirements of ten days from the date of service or fourteen days from the date of mailing of notice apply when records at a financial institution are sought of customers covered by the RFPA. Customers have a right to challenge in an appropriate U.S. district court during the notice period.</p> <p>4. Electronic Communications Privacy Act of 1986 (“ECPA”), 18 U.S.C. § 2701 <i>et seq.</i></p>	There are not specific issuance standards, qualifiers or procedures in connection with the issuance of administrative subpoenas by the Inspector General.
Commodity Futures Trading Commission	Commodity Exchange Act (“CEA”), Pub. L. No. 93-463, as amended, § 2(h), 7 U.S.C. § 2(h) (2000).	The CFTC, or persons by or on behalf of the CFTC, are authorized to issue administrative subpoenas to any foreign person who the CFTC believes is	If the CFTC has reason to believe that a person has not timely complied with a subpoena issued by or on behalf of the CFTC pursuant to 7	The recipient of a subpoena must “promptly notify the foreign person of, and transmit to the foreign person, the subpoena in a manner	This administrative subpoena authority was recently provided in the Commodity Futures Modernization Act of 2000, Pub. L. No. 106-

		conducting or has conducted transactions in reliance on the exemption set forth in 7 U.S.C. § 2(h)(3) (2000) on or through the electronic trading facility relating to the transactions. 7 U.S.C. § 2(h)(5)(C)(i).	U.S.C. § 2(h)(5)(C)(i), and the CFTC has in writing directed that a facility relying on the exemption set forth in 7 U.S.C. § 2(h)(3) deny or limit further transactions by the person, the facility shall deny that person further trading access to the facility or, as applicable, limit that person's access to the facility for liquidation trading only. 7 U.S.C. § 2(h)(5)(C)(ii).	reasonable under the circumstances, or as specified by the CFTC.” 7 U.S.C. § 2(h)(5)(C)(i).	554, App. E, § 106, 114 Stat. 2763A-379 (Dec. 21, 2000) (codified at 7 U.S.C. § 2(h)). The CFTC has not yet issued standards, qualifiers or procedures concerning this authority.
Consumer Product Safety Commission					
Consumer Product Safety Commission	Consumer Product Safety Act, 15 U.S.C. §§2076(b)(1), (3) and (4), P.L. 92-573 (1973); 16 C.F.R. §§1118.4, .8, and .9.	“Any person” “To carry out a specific regulatory or enforcement function of the Commission” “Documentary evidence relating to the execution of [the Commission’s] duties”	Commission may seek subpoena enforcement in federal court.		The Commission may delegate any of its functions EXCEPT the subpoena power of 15 U.S.C. §2076(b)(3) [see §2076(b)(9)] to any officer or employee of the Commission.
Corporation for National and Community Service					
Corporation for National and Community Service	The Inspector General Act of 1978, Pub. L. 95-452, 5 U.S.C. App §§ 3-8.	Section 6(a)(4) of the Inspector General Act authorizes an Office of Inspector General “to	With respect to subpoenas under the Inspector General Act, if the person does not	With respect to the Inspector General Act, a person is permitted ten days from receipt, or	An Inspector General subpoena must be 1) issued for a lawful purpose within the

		require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Act.” 5 U.S.C. § 5 U.S.C. App § 6(a)(4).	respond to the subpoena, or file a motion to quash it, OIG requests the U.S. Department of Justice to file a Petition for Enforcement of Subpoena in the appropriate Federal district court.	fourteen days from the mailing of the notice of subpoena, to comply with the demand, or file a motion to quash it, in the appropriate Federal district court.	statutory authority of the Inspector General’s Act, 2) reasonably relevant to that purpose, and 3) not unduly burdensome. <u>See Burlington Northern R.R. Co. v. Office of Inspector General, R.R. Retirement Board</u> , 983 F. 2d 631, 637 (5 th Cir. 1993).
Corporation for National and Community Service	The Right to Financial Privacy Act of 1978, Pub. L. 95-630, 12 U.S.C. §§ 3401-3433.	Section 3405 of the Right to Financial Privacy Act states that a “government authority may obtain financial records under section 3402(2) of this title pursuant to an administrative subpoena or summons otherwise authorized by law.” 12 U.S.C. § 3405.	With respect to the Right to Financial Privacy Act, if the data subject of the records fails to respond, or files a motion to quash, then the responsible financial institution must deliver that person's financial records to OIG after OIG presents a Certificate of Compliance with the Right to Financial Privacy Act to the appropriate records custodian.	With respect to the Right to Financial Privacy Act, a person is permitted ten days from receipt, or fourteen days from the mailing of the notice of subpoena, to file a motion to quash it in the appropriate Federal district court. A Privacy Act Notice is included with the subpoena, pursuant to subsection (e)(3) of the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).	An Inspector General subpoena must be 1) issued for a lawful purpose within the statutory authority of the Inspector General’s Act, 2) reasonably relevant to that purpose, and 3) not unduly burdensome. <u>See Burlington Northern R.R. Co. v. Office of Inspector General, R.R. Retirement Board</u> , 983 F. 2d 631, 637 (5 th Cir. 1993).
Court Services and Offender Supervision Agency	Holds no administrative subpoena authority.				

Defense Nuclear Facilities Safety Board					
Defense Nuclear Facilities Safety Board	42 U.S.C. §2286b(a), National Defense Authorization Act, Fiscal Year 1989, P.L. No. 100-456. Sept. 29, 1988.	Compel testimony of witnesses at hearings.	Federal court in the district of the hearing or the district where the person resides or transacts business.	Personal service	Subpoenas may be issued only by the Chairman of the Board or by a Board member designated by the Chairman.
Department of Defense	Holds no administrative subpoena authority, excluding Inspector General authority. (Subpoena authority is available in court martial proceedings, however).				
Defense Contract Audit Agency (under the Authority, Direction, and Control of the Undersecretary of Defense—Comptroller)†	10 U.S.C. §2313(b) DCAA subpoena authority.--(1) The Director of the Defense Contract Audit Agency (or any successor agency) may require by subpoena the production of any records of a contractor that the Secretary of Defense is authorized to audit or examine under subsection (a). Subsection (a): “(a) Agency authority.--(1) The head of an agency, acting through an authorized representative, is	(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court. 10 U.S.C. §2313(b)(2).	(3) The authority provided by paragraph (1) may not be redelegated. 10 U.S.C. §2313(b)(3).		

	<p>authorized to inspect the plant and audit the records of--</p> <p>(A) a contractor performing a cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable contract, or any combination of such contracts, made by that agency under this chapter; and</p> <p>(B) a subcontractor performing any cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable subcontract or any combination of such subcontracts under a contract referred to in subparagraph (A).</p> <p>(2) The head of an agency, acting through an authorized representative, is authorized, for the purpose of evaluating the accuracy, completeness, and currency of certified cost or pricing data required to be submitted pursuant to section 2306a of this title with respect to a contract or subcontract, to examine all records of the contractor or subcontractor related to--</p> <p>(A) the proposal for the contract or subcontract;</p>				
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	<p>(B) the discussions conducted on the proposal;</p> <p>(C) pricing of the contract or subcontract;</p> <p>or</p> <p>(D) performance of the contract or subcontract.”</p> <p>10 U.S.C. §2313(b).</p>				
Department of the Air Force	Holds no administrative subpoena authority.				
Department of the Army	Holds no administrative subpoena authority.				
Department of Agriculture					
<p>US Department of Agriculture*</p> <p>USDA/OGC Food and Nutrition Division</p>	Section 14(a)(7) of the Food Stamp Act of 1977, 7 U.S.C. 2023(a)(7), regulations set forth under 7 C.F.R. § 283.13	The Administrative Law Judge (ALJ) presiding over Food Stamp Program Quality Control Claim Appeals has subpoena authority as provided to him by section 13(c) and (d) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499m(c) and (d)).	In case of disobedience to a subpoena, the Secretary or any of her examiners may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of accounts, records, and memoranda. Any district court of the United States within the jurisdiction of which any hearing is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an	When the ALJ issues a subpoena under the Food Stamp Act, the party who requested the subpoena shall serve all other parties with a copy of the subpoena, notice of the names and addresses of the individuals subpoenaed and specify any documents required to be produced.	Subpoenas shall be issued by the ALJ, over the facsimile signature of the Secretary, upon a reasonable showing by the applicant of the grounds, necessity and reasonable scope thereof.

			order requiring the person to appear before the Secretary or her examiner or to produce accounts, records, and memoranda if so ordered, or to give evidence touching any matter pertinent to any complaint; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.		
US Department of Agriculture OGC General Law Division	Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes, 7 C.F.R. § 1.144, authorized by 5 U.S.C. 301	These regulations give an ALJ, appointed under 5 U.S.C. 3105, the authority to issue subpoenas as authorized by the statute under which a formal adjudicatory proceeding is conducted.	Enforcement authority, if any, is provided for by the specific statutes under which the subpoena is issued.	Notification requirements and privacy protections, if any, are provided for by the specific statutes under which the subpoena is issued.	Issuance standards, if any, are provided for by the specific statutes under which the subpoena is issued.
US Department of Agriculture OGC General Law Division	Procedures Related to Administrative Hearings Under the Program Fraud Civil Remedies Act (PFCRA) of 1986, 7 C.F.R. §§ 1.304, 1.319, 1.322, 1.323, 1.328, authorized by 31 U.S.C. 3804(a).	7 C.F.R. § 1.304, authorizes an investigating official, who is investigating an individual's liability under 7 C.F.R. § 1.303 (dealing with false statements, etc.), to issue a subpoena. 7 C.F.R. §§ 1.319, 1.322, 1.323, 1.328 authorizes an ALJ conducting a hearing under the PFCRA to issue subpoenas requiring the attendance of witnesses and the production of documents at depositions or hearings	An ALJ may sanction a person, including any party or representative for failing to comply with a lawful subpoena. Sanctions include: drawing an inference in favor of the requesting party with regard to the information sought; in the case of requests for admission, deem admitted each item as to which an admission is requested; prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon testimony relating to the	When an ALJ issues a subpoena under the PFCRA, the party who requested the subpoena must serve all other parties with notice of the names and addresses of the individuals subpoenaed and specify any documents required to be produced.	A subpoena issued under 7 C.F.R. § 1.304 must notify the person to whom it is addressed of the authority under which it is issued and shall identify the information, documents, reports, answers, records, accounts, papers, or data sought. The investigating official may designate a person to act on his behalf to receive the documents or other materials sought by a subpoena issued. For a subpoena to be issued by an ALJ, the party requesting the subpoena must submit a

			information sought; strike any part of the pleadings or other submissions of the party failing to comply with such requests; or request the Attorney General petition an appropriate district court for an order to enforce a subpoena.		written request not less than 15 days before the date fixed for the hearing unless otherwise allowed by the ALJ for good cause shown.
US Department of Agriculture* OGC General Law Division	Rules of Procedure for the USDA Board of Contract Appeals, 7 C.F.R. §§ 24.3, Pt. 24, Subpt. B, App., authorized by 5 U.S.C. 304.	An Administrative Law Judge hearing an appeal pursuant to the Contract Disputes Act (CDA) of 1978 (41 U.S.C. 601-613), may issue a subpoena requiring testimony at a deposition, testimony at a hearing, and production of books and papers. For non-CDA appeals the Chair of the Board has authority by delegation from the Secretary to request the appropriate United States Attorney to apply to the appropriate United States District Court for the issuance of subpoenas pursuant to 5 U.S.C. 304.	In the case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the jurisdiction of the United States District Court, the Board will apply to the Court through the Attorney General of the United States for an order requiring the person to appear before the Board. A failure to obey such an order is punishable by a contempt order.		In issuing the subpoena to a requesting party, the ALJ shall sign the subpoena and may, in the Judge's discretion, enter the name of the witness or otherwise leave it blank.
US Department of Agriculture OGC General Law Division	Rules of Procedure governing the National Appeals Division (NAD), 7 U.S.C. 6997, 7 C.F.R. § 11.8, authorized by the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994.	The Director of NAD and Hearing Officers have the authority to issue subpoenas compelling the attendance of witnesses and production of evidence.	If a person refuses to obey a subpoena, the Director, acting through the Office of the General Counsel of the USDA and the Department of Justice, may apply to the United States District Court in the jurisdiction where the person resides to have the subpoena enforced.		A Hearing Officer must obtain the concurrence of the Director prior to issuing a subpoena. A subpoena shall be issued for documents only if the Director or Hearing Officer determine that the appellant or the agency has established that production of documentary evidence is

					necessary and is reasonably calculated to lead to information which would affect the final determination or is necessary to fully present the case before the Division. A subpoena shall be issued for appearance of a witness only if the Director or Hearing Officer determines that the appellant or the agency has established that either a representative of the Department or a private individual possesses information that is pertinent and necessary for disclosure of all relevant facts which could impact the final determination, that information cannot be obtained except through testimony of the person, and that the testimony cannot be obtained absent issuance of a subpoena.
<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>Animal and Plant Health Inspection Service (APHIS)</p> <p>The Horse Protection Act, 15 U.S.C. 1821-1831, (Section 6(d)(1) (15 U.S.C. 1825))</p>	<p>The Secretary may require by subpoena the attendance and testimony of witnesses and the production of books, papers, and documents relating to any matter under investigation or the subject of a proceedings.</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.</p>	<p>Service of a subpoena is required.</p>	<p>During investigations or administrative proceedings.</p>

<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>APHIS</p> <p>The Animal Welfare Act, 7 U.S.C. 2131-2159, (Section 16(c), 7 U.S.C. 2146(c)).</p>	<p>Incorporates Section 9 of the Federal Trade Commission Act (15 U.S.C. 48) which authorizes the Secretary to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation or at any designated place of hearing.</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.</p>	<p>Service of a subpoena is required.</p>	<p>During in vestigation s or administrative proceedings.</p>
<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>Grain Inspection packers and Stockyards Administration (GIPSA)</p> <p>The United States Grain Standards Act, 7 U.S.C. 71-et seq., (Section 17, 7 U.S.C. 87f.)</p>	<p>The Administrator may require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation or at any designated place of hearing.</p>	<p>The Administrator may invoke the aid of the U.S. District Courts, the District Court Of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of other territories and possessions of the United States to enforce subpoenas.</p>	<p>Service of a subpoena is required.</p>	<p>During in vestigation s or administrative proceedings.</p>
<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>Agricultural Marketing Service (AMS)</p> <p>Agricultural Marketing Agreement Act of 1937, 7 U.S.C. 601-670, 7 U.S.C. 610(h).</p>	<p>This section adopts sections 48, 49 and 50 of Title 15 (Federal Trade Commission Act) which may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.</p>	<p>Service of the subpoena is required.</p>	<p>During in vestigation s or administrative proceedings.</p>
<p>US Department of Agriculture</p>	<p>AMS</p> <p>Commodity Promotion, Research and Information Act of 1996,</p>	<p>The Secretary may require by subpoena the attendance and testimony of witnesses and the production of</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce</p>	<p>Service of a subpoena is required.</p>	<p>During in vestigation s or administrative proceedings.</p>

OGC Marketing Division	7 U.S.C. 7411-7425, 7 U.S.C. 7420.	documents relating to any matter under investigation or the subject of a proceeding.	subpoenas.		
US Department of Agriculture OGC Marketing Division	AMS Cotton Research and Promotion Act, 7 U.S.C. 2101-2118, 7 U.S.C. 2115.	The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.	The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.	Service of a subpoena is required.	During investigations or administrative proceedings.
US Department of Agriculture OGC Marketing Division	AMS Dairy Production Stabilization Act of 1983, 7 U.S.C. 4501-4513, 7 U.S.C. 4511.	The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.	The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.	Service of a subpoena is required.	During investigations or administrative proceedings.
US Department of Agriculture OGC Marketing Division	AMS Fluid Milk Promotion Act of 1990, 7 U.S.C. 6401-6417, 7 U.S.C. 6412.	The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.	The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.	Service of a subpoena is required.	During investigations or administrative proceedings.
US Department of Agriculture OGC Marketing Division	AMS Federal Seed Act, 7 U.S.C. 1551-1611, 7 U.S.C. 1603.	The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding. The Secretary may also require access to office and warehouse premises.	The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.	Service of a subpoena is required.	During investigations or administrative proceedings.

<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>AMS Egg Products Inspection Act, 21 U.S.C. 1031-1056, 21 U.S.C. 1051.</p>	<p>The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.</p>	<p>Service of a subpoena is required.</p>	<p>During investigations or administrative proceedings.</p>
<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>AMS Egg Research and Consumer Information Act, 7 U.S.C. 2701-2718, 7 U.S.C.2717.</p>	<p>The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.</p>	<p>Service of a subpoena is required.</p>	<p>During investigations or administrative proceedings.</p>
<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>AMS Floral Research and Consumer Information Act 7 U.S.C. 4301-4319, 7 U.S.C. 4317.</p>	<p>The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.</p>	<p>Service of a subpoena is required.</p>	<p>During investigations or administrative proceedings.</p>
<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>AMS Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993, 7 U.S.C. 6801-6814, 7 U.S.C. 6809.</p>	<p>The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.</p>	<p>Service of a subpoena is required.</p>	<p>During investigations or administrative proceedings.</p>
<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>AMS Honey Research, Promotion and Consumer Information Act, 7 U.S.C. 4601-4612, 7 U.S.C. 4610a.</p>	<p>The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.</p>	<p>Service of a subpoena is required.</p>	<p>During investigations or administrative proceedings.</p>

<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>AMS Lime Research, Promotion and Consumer Information Act of 1990, 7 U.S.C. 6201-6212, 7 U.S.C. 6208.</p>	<p>The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.</p>	<p>Service of a subpoena is required.</p>	<p>During investigations or administrative proceedings.</p>
<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>AMS Mushroom Promotion, Research and Consumer Information Act of 1990, 7 U.S.C. 6101-6112, 7 U.S.C. 6108.</p>	<p>The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.</p>	<p>Service of a subpoena is required.</p>	<p>During investigations or administrative proceedings.</p>
<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>AMS National Kiwifruit Research, Promotion and Information Act, 7 U.S.C. 7461-7473, 7 U.S.C. 7469.</p>	<p>The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.</p>	<p>Service of a subpoena is required.</p>	<p>During investigations or administrative proceedings.</p>
<p>US Department of Agriculture</p> <p>OGC Marketing Division</p>	<p>AMS Pecan Promotion and Research Act of 1990, 7 U.S.C. 6001-6013, 7 U.S.C. 6010.</p>	<p>The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.</p>	<p>Service of a subpoena is required.</p>	<p>During investigations or administrative proceedings.</p>
<p>US Department of Agriculture</p> <p>OGC</p>	<p>AMS Popcorn Promotion, Research and Consumer Information Act,</p>	<p>The Secretary may require by subpoena the attendance and testimony of witnesses and the production of</p>	<p>The Secretary may invoke the aid of the appropriate U.S. District Court to enforce</p>	<p>Service of a subpoena is required.</p>	<p>During investigations or administrative proceedings.</p>

Marketing Division	7 U.S.C. 7481-7491, 7 U.S.C. 7488.	documents relating to any matter under investigation or the subject of a proceeding.	subpoenas.		
US Department of Agriculture OGC Marketing Division	AMS Potato Research and Promotion Act, 7 U.S.C. 2612-2627, 7 U.S.C. 2622.	The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.	The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.	Service of a subpoena is required.	During investigations or administrative proceedings.
US Department of Agriculture OGC Marketing Division	AMS Watermelon Research and Promotion Act, 7 U.S.C. 4901-4916, 7 U.S.C. 4911.	The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.	The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.	Service of a subpoena is required.	During investigations or administrative proceedings.
US Department of Agriculture OGC Marketing Division	AMS Beef Research and Information Act, 7 U.S.C. 2901-2911, 7 U.S.C. 2902.	The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.	The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.	Service of a subpoena is required.	During investigations or administrative proceedings.
US Department of Agriculture OGC Marketing Division	AMS Canola and Rapeseed Research, Promotion and Consumer Information Act, 7 U.S.C. 7441-7452, 7 U.S.C. 7449.	The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.	The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.	Service of a subpoena is required.	During investigations or administrative proceedings.
US Department of Agriculture	AMS Pork Promotion, Research and Consumer	The Secretary may require by subpoena the attendance and testimony of witnesses	The Secretary may invoke the aid of the appropriate U.S. District	Service of a subpoena is required.	During investigations or administrative proceedings.

OGC Marketing Division	Information Act of 1985, 7 U.S.C. 4801-4819, 7 U.S.C. 4816.	and the production of documents relating to any matter under investigation or the subject of a proceeding.	Court to enforce subpoenas.		
US Department of Agriculture OGC Marketing Division	AMS Sheep Promotion, Research and Information Act of 1994, 7 U.S.C. 7101-7111, 7 U.S.C. 7108.	The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.	The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.	Service of a subpoena is required.	During investigations or administrative proceedings.
US Department of Agriculture OGC Marketing Division	AMS Soybean Promotion, Research and Consumer Information Act, 7 U.S.C. 6301-6311, 7 U.S.C. 6308.	The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.	The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.	Service of a subpoena is required.	During investigations or administrative proceedings.
US Department of Agriculture OGC Marketing Division	AMS Wheat and Wheat Foods Research Nutrition and Education Act, 7 U.S.C. 3401-3417, 7 U.S.C. 3412.	The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.	The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.	Service of a subpoena is required.	During investigations or administrative proceedings.
US Department of Agriculture OGC Marketing Division	AMS Tobacco Inspection Act, 7 U.S.C. 511-511q, 7 U.S.C. 511n.	The Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation or the subject of a proceeding.	The Secretary may invoke the aid of the appropriate U.S. District Court to enforce subpoenas.	Service of a subpoena is required.	During investigations or administrative proceedings.

<p>US Department of Agriculture</p> <p>OGC Pollution Control</p>	<p>Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), as delegated by Section 2(j) of Executive Order No. 12580 (52 Fed. Reg. 2923, Jan. 29, 1987).</p> <p>In Executive Order 12580, the President delegated to the Secretary of Agriculture the authority under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), to make an administrative investigatory demand compelling the production of documents and information relating to releases and threatened releases of hazardous substances on lands within USDA jurisdiction, custody and control.</p>	<p>Authority to require any person to furnish information or documents relating to: (a) the identification, nature, and quantity of hazardous substances generated, treated, stored, or disposed of at a site; (b) the nature or extent of a release or threatened release of hazardous substances at a site; or (c) information relating to the ability of a responsible party to pay for or to perform a cleanup. This authority may be exercised only for purposes of determining the need for response action, or choosing or taking any response action under CERCLA.</p>	<p>With respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility under USDA jurisdiction, custody, or control, the Secretary may issue, with the concurrence of the Attorney General, an administrative order directing compliance with the request. USDA may ask the Attorney General to file a civil action to compel compliance with a request or order issued under Section 104(e). The Court may assess civil penalties of up to \$25,000 for each day of continued noncompliance.</p>	<p>A CERCLA Section 104(e) information request may be issued upon reasonable notice. USDA's Section 104(e) information request require recipients to respond within 30 days, or adequately justify the need for additional time to respond. An administrative compliance order under Section 104(e)(5)(A), may be issued "after such notice and opportunity for consultation as is reasonably appropriate under the circumstances."</p> <p>Any records, reports, or information obtained from any person under Section 104(e) are available to the public, except upon a showing that the information is protected from disclosure under the Trade Secrets Act, 18 U.S.C. § 1905. In the event that USDA receives a Freedom of Information Act request for information which has been designated as business confidential, USDA will handle the request in accordance with the procedures in 40 C.F.R. Part 2 and 7 C.F.R. § 1.11. Information provided to USDA by an individual in response to a CERCLA Section 104(e)</p>	<p>USDA standards and policy for the issuance of CERCLA Section 104(e) information requests is contained in the USDA Potentially Responsible Party (PRP) Search Guide (June 2001). The Search Guide provides that CERCLA Section 104(e) information requests should be tailored to site specific needs and to the particular recipient of the request. USDA CERCLA Section 104(e) information request letters should be prepared with the assistance of the Office of the General Counsel (OGC). OGC should also be consulted in reviewing responses to CERCLA Section 104(e) requests and in the preparation of any follow-up Section 104(e) requests.</p> <p>The USDA PRP Search Guide states that, as a general rule, requests for financial information should not be included in the initial request letter. A request for financial information is normally only appropriate once the potential liability of a party has been established. A PRP should be asked that if the PRP believes she, he, or it has an inability to pay its share of the cleanup costs,</p>
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				<p>information request may also be protected from public disclosure under the Privacy Act, 5 U.S.C. § 552a.</p>	<p>the PRP should contact the agency. The agency should then send appropriate financial questions to the PRP for purposes of making the ability to pay determination. Financial information necessary to determine a PRP's financial ability to perform cleanup work may also be requested, when appropriate.</p>
<p>US Department of Agriculture*</p> <p>OGC Regulatory Division</p>	<ul style="list-style-type: none"> • Poultry Products Inspection Act, P.L. 90-492, 21 U.S.C. 451 • Federal Meat Inspection Act, P.L. 90-201, 21 U.S.C. 601 • Egg Products Inspection Act, P.L. 91-597, 21 U.S.C. 1031 • 7 C.F.R. 1.29 	<p>Administrative subpoena authority is provided by the provisions of the Federal Trade Commission Act in 15 U.S.C. 46, 48, 49, 50, incorporated by reference into these 3 statutes.</p> <ul style="list-style-type: none"> • PPIA incorporation is found in 21 U.S.C. 467d. • FMIA incorporation is found in 21 U.S.C. 677. • EPIA incorporation is found in 21 U.S.C. 1051. 	<p>Administrative subpoenas for testimony and production of documents are issued by USDA Administrative Law Judges at the request of any party to an administrative proceeding brought to enforce the statutes.</p> <p>Investigative subpoenas are issued by the Secretary's delegatee, the Administrator of the Food Safety and Inspection Service.</p> <p>If a subpoena is not honored, the General Counsel can seek judicial enforcement of that subpoena by the Department of Justice in a Federal district court.</p>	<p>The Food Safety and Inspection Service will first seek document production or testimony on a voluntary basis.</p> <p>If the requested documents or testimony are not provided on a voluntary basis, a subpoena will be issued to compel their production.</p> <p>The Privacy Act and the Trade Secrets Act provisions and prohibitions are applicable to the exercise of subpoena authorities.</p>	<p>The Secretary's delegatee, the Administrator of the Food Safety and Inspection Service, makes the initial decision to issue an administrative investigative subpoena. The General Counsel must concur in the issuance of the subpoena.</p> <p>An administrative subpoena will be issued by USDA Administrative Law Judges in administrative proceedings upon a reasonable showing by the applicant of the grounds and necessity thereof; and with respect to subpoenas for the production of documents, the request shall show their competency, relevancy and materiality. See 7 C.F.R 1.149.</p>

<p>US Department of Agriculture*</p> <p>OGC Regulatory Division</p>	<ul style="list-style-type: none"> • Plant Protection Act, P.L., 106-224, 7 U.S.C 7733. • Title V of the Agricultural Risk Protection Act of 2000. P.L. 106-224, 7 U.S.C. 2279f. • 7 C.F.R. 1.29 	<p>Administrative subpoena authority relating to the administration or enforcement of the Acts and any matter under investigation in connection with the Acts.</p>	<p>Administrative subpoenas for testimony and production of documents are issued by USDA Administrative Law Judges at the request of any party to an administrative proceeding brought to enforce the statutes.</p> <p>Investigative subpoenas are issued by the Secretary's delegatee, the Administrator of the Animal and Plant Health Service.</p> <p>If a subpoena is not honored, the General Counsel can seek judicial enforcement of that subpoena by the Department of Justice in a Federal district court.</p>	<p>The Animal and Plant Health Inspection Service will first seek document production or testimony on a voluntary basis.</p> <p>If the requested documents or testimony are not provided on a voluntary basis, a subpoena will be issued to compel their production.</p> <p>The Privacy Act and the Trade Secrets Act provisions and prohibitions are applicable to the exercise of subpoena authorities.</p>	<p>The Secretary's delegatee, the Administrator of the Animal and Plant Health Inspection Service, makes the initial decision to issue an administrative investigative subpoena. The General Counsel must concur in the issuance of the subpoena.</p> <p>An administrative subpoena will be issued by USDA Administrative Law Judges in administrative proceedings upon a reasonable showing by the applicant of the grounds and necessity thereof; and with respect to subpoenas for the production of documents, the request shall show their competency, relevancy and materiality. See 7 C.F.R. 1.149.</p>
<p>US Department of Agriculture</p> <p>Packers and Stockyards Programs of Grain Inspection & Packers and Stockyards Administration.</p> <p>Trade Practices Division</p>	<p>Packers & Stockyards Act, 7 U.S.C. 222, incorporating sections 6 and 9 of the Fed'l Trade Comm'n Act (15 U.S.C. 46 and 49), as approved September 26, 1914.</p>	<p>Packers, stockyards, dealers, market agencies; and those with whom it does business. Investigatory subpoenas issue pursuant to section 9 of FTC Act [15 U.S.C. 49] - access to and right to copy documents of entity being investigated for violation of Act. Section 6 [15 U.S.C. 46]- to gather and compile information re: business, organization</p>	<p>Section 9 of FTC Act - Enforcement in any court in US for hearing subpoenas. Investigatory subpoenas enforced in district court. Both handled by local AUSA Office.</p>	<p>No notification req'ts except those specific to Right to Financial Privacy Act). Forthwith demand issued when circumstances warrant.</p>	<p>Must have statutory jurisdiction over person and activity under investigation or being proceeded against, which is basis for authority to subpoena records in possession of unregulated entities. Reviewed for legal sufficiency by OGC. Investigatory subpoenas issued by agency Adm'r and served by agency investigator. Hearing</p>

		and conduct. Section 9-hearing subpoenas for attendance, testimony and documents; from anywhere in US to place of hearing.			subpoenas for witnesses sought by OGC attorney, issued by ALJ, served by OGC attorney.
<p>US Department of Agriculture</p> <p>Packers and Stockyards Programs of Grain Inspection & Packers and Stockyards Administration.</p> <p>Trade Practices Division</p>	<p>Perishable Agricultural Commodities Act, 7 U.S.C. 499m (section 13)</p> <p>7 DFR 47.11 - Hearing and deposition subpoenas and subpoenas duces tecum.</p>	<p>Commission merchants, dealers and brokers; financial institutions. Investigatory subpoenas issue pursuant to section 13(a)- violation of section 2 or other sections of Act, e.g., section 6(c)[7 U.S.C. 499f(c)] - complaints or notifications of violation; section 9[7 U.S.C. 499i] - maintaining records. Deposition subpoenas issue pursuant to section 13(e)- appear, depose and produce records in any proceeding (including reparation) or investigations. Hearing subpoenas issue pursuant to Sec. 13(c) - Attendance, testimony and production of documents (ALJ).</p>	<p>Section 13(d)[7 U.S.C. 499m(d)] -investigatory subpoenas enforced in any court in US; hearing subpoenas are enforced in district court where hearing held. Both handled by local AUSA Office.</p>	<p>No notification requirements; time usually provided to amass required records. Notification requirements specific to Right to Financial Privacy Act (Pub. L. 95-630) when seeking financial records of individual.</p>	<p>Must have statutory jurisdiction over person and activity under investigation or being proceeded against, which is basis for authority to subpoena records in possession of financial institutions. Subpoena requests are reviewed for legal sufficiency by OGC. Investigatory subpoenas are issued by agency Administrator. Served by agency investigator. Hearing subpoenas for witnesses sought by OGC attorney, issued by ALJ, served by OGC attorney. Subpoenas and subpoenas duces tecum in reparation cases sought by att’y, issued by OGC Presiding Officer, served by att’y. Standards for issuance at 7 CFR 47.17.</p>
<p>US Department of Agriculture</p> <p>Office of Inspector General</p>	<p>Inspector General Act, 5 U.S.C.A. app. 3 § 6(a)(4) (West 1996 & Supp. 2001), Pub. L. No. 95-42, 92 Stat. 1101 (1978).</p>	<p>OIG-USDA is authorized to "require [by subpoena] the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the</p>	<p>In case of a "refusal to obey", OIG may seek the enforcement of a subpoena in any appropriate United States district court. 5 U.S.C. app. 3 § 6(a)(4).</p>	<p>Privacy: OIG-USDA internal procedures require that special agents and auditors maintain all subpoenaed documents "securely" within OIG-USDA case/audit files. See IG-8551 § C1f (1)</p>	<p>Standards: OIG subpoena authority is limited to "evidence necessary in the performance of the function assigned by this Act [IG Act]." 5 U.S.C. app. 3 § 6(a)(4). OIG</p>

		<p>performance of the functions assigned by the IG Act." 5 U.S.C.A. app. 3 § 6(a)(4). OIG-USDA, in general, is authorized to issue subpoenas under 7 C.F.R. § 2610.1.</p>		<p>(Legal Procedures and Aspects).</p> <p>OIG-USDA internal procedures and the Privacy Act prohibit OIG-USDA from disclosure of "personally identifiable records" under certain circumstances. <u>See</u> 5 U.S.C.A. § 552a(a), <i>et seq.</i>; <u>see also</u> IG-1421 (Personal Privacy Information). OIG-USDA internal procedures require that any original subpoenaed document be returned to the subpoena addressee. <u>See</u> IG-8551 § C1f(3) (Legal Procedures and Aspects).</p> <p>Notification Requirements: OIG-USDA internal procedures and the Right to Financial Privacy Act ("RFPA") require OIG-USDA to provide notice of RFPA subpoenas to a customer with a copy of the subpoena. <u>See</u> 12 U.S.C.A. § 3401, <i>et seq.</i>; <u>see also</u> IG-1421Hc(2)(a) (Information Services").</p>	<p>should obtain information from other Federal agencies by means other than subpoenas. 5 U.S.C.A. app. 3 § 6(a)(4). OIG-USDA internal procedures and the RFPA prohibit release of records without certification of RFPA compliance. <u>See</u> 12 U.S.C.A. § 3403(b); <u>see also</u> IG-1427 (C)(4) (Information Services).</p> <p>Procedures: -OIG-USDA internal procedures require that subpoenas be reviewed by OIG management and Legal Staff. <u>See</u> IG-8551 (C2-C5) (OIG Subpoenas). OIG-USDA internal procedures restrict transfer of RFPA records except in accord with the RFPA. <u>See</u> IG-8611 (C7(c)(1)) (Investigative Reports). OIG-USDA internal procedures require retention of audit work papers, some of which may include documents obtained by subpoena. <u>See</u> IG-7215 (The Audit Process: General Requirements - Working Papers).</p>
<p>US Department of Agriculture</p> <p>Regulatory authority for issuing administrative</p>	<p>Rules of practice governing proceeding on petitions to modify or to be exempted from compact over-order price regulations promulgated</p>	<p>The hearing panel may compel production of documentary evidence, appearance of witnesses, or the giving of testimony by subpoena throughout all</p>			

subpoenas that could not be ascribed to a particular division within the USDA.	by the Northeast Dairy Compact Commission, 7 C.F.R. § 1381.4, authorized by 7 U.S.C. 7256.	signatory states pursuant to section 16(a) of the Compact.			
US Department of Agriculture Regulatory authority for issuing administrative subpoenas that could not be ascribed to a particular division within the USDA.	Agricultural, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, Hass Avocado Promotion, Research, and Information, 7 U.S.C. § 7808	In a hearing to determine if the Hass Avocado Act has been violated the presiding officer may subpoena witnesses.	In the case of contumacy by, or refusal to obey a subpoena issued under the Act, any person, the Secretary of Agriculture may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is conducted, or where the person resides or conducts business, in order to enforce a subpoena. Any failure to obey the order of the court may be punished by the court as a contempt of the court.		
Department of Agriculture†	7 U.S.C. §1446	Price support investigations			
Department of Commerce					
US Department of Commerce* National Oceanic And Atmospheric Administration (NOAA) Enforcement and Litigation	Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) 16 U.S.C. § 1801 <i>et seq.</i>	The MSFCMA provides that, “[f]or the purposes of conducting any hearing [under the civil penalties section], the Secretary of Commerce may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and	NOAA’s civil procedure regulations, which apply in NOAA’s administrative proceedings, may be found at 15 C.F.R. – Part 904. Under 15 C.F.R § 904.245(d), “[i]n case of disobedience to a	Right to Financial Privacy Act (P.L. 95-630)	Under 15 C.F.R § 904.245 (a) “[s]ubpoenas for the attendance and testimony of witnesses and the production of documentary evidence for the purpose of discovery or hearing may be issued as authorized by the statute under which the proceeding is conducted.”

		<p>documents...” 16 U.S.C. § 1858(e).</p>	<p>subpoena, NOAA may request the Justice Department to invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.”</p> <p>Under 15 C.F.R. § 904.108 (g), a respondent’s failure to respond to written interrogatories or discovery requests pertaining to ability to pay “may serve as the basis for inferring that such information would have been adverse to any claim by respondent of inability to pay the assessed penalty, or result in respondent being barred from asserting financial hardship.” This inference may be drawn by the enforcement attorney in assessing the penalty or by the Judge in reviewing the penalty.</p> <p>Under 15 C.F.R. § 904.240 (f), “[i]f a party fails to comply with any subpoena or order concerning discovery, the Judge may, in the interest of justice: (1) [i]nfer that the</p>		<p>These administrative subpoenas may only be issued by an Administrative Law Judge. <i>See</i> 15 C.F.R. § 904.204 (i).</p>
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<p>US Department of Commerce</p> <p>National Oceanic And Atmospheric Administration (NOAA)</p> <p>Enforcement and Litigation</p>	<p>Endangered Species Act (ESA), 16 U.S.C. § 1531 <i>et seq.</i></p>	<p>The ESA provides that “[h]earings held during proceedings for the assessment of civil penalties ... shall be conducted in accordance with section 554 of Title 5. The Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths.” 16 U.S.C. §</p>	“	“	“

		1540(a)(2).			
US Department of Commerce National Oceanic And Atmospheric Administration (NOAA) Enforcement and Litigation	National Marine Sanctuaries Act (NMSA), 16 U.S.C. § 1431 <i>et seq.</i>	The NMSA provides that “[i]n the case of any hearing ... in accordance with the procedures provided for under section 554 of Title 5, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths.” 16 U.S.C. § 1437(f).	“	“	“
US Department of Commerce National Oceanic And Atmospheric Administration (NOAA) Enforcement and Litigation	Northern Pacific Halibut Act of 1982, 16 U.S.C. § 773 <i>et seq.</i>	The Halibut Act provides that, “[F]or the purpose of all investigations which, in the opinion of the Secretary, are necessary and proper for the enforcement of this subchapter, the Secretary or any officer designated by him is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents which the Secretary deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place or hearing.” 16 U.S.C. § 773i(f)(2).	“	“	“

<p>US Department of Commerce</p> <p>National Oceanic And Atmospheric Administration (NOAA)</p> <p>Enforcement and Litigation</p>	<p>Atlantic Tuna Conventions Act (ATCA), 16 U.S.C. § 971 <i>et seq.</i></p>	<p>The ATCA incorporates by reference the civil penalty and permit sanction provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) for violations of the ATCA. 16 U.S.C. § 971(e).</p>	<p>“</p>	<p>“</p>	<p>“</p>
<p>US Department of Commerce*</p> <p>National Oceanic And Atmospheric Administration (NOAA)</p> <p>Enforcement and Litigation</p>	<p>Lacey Act, 16 U.S.C. § 3371 <i>et seq.</i></p>	<p>The Lacey Act provides that “[h]earings held during proceedings for the assessment of civil penalties shall be conducted in accordance with section 554 of Title 5. The administrative law judge may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths.” 16 U.S.C. § 3373(b).</p>	<p>“</p>	<p>“</p>	<p>“</p>
<p>US Department of Commerce</p> <p>NOAA, National Environmental Satellite, Data, and Information Service</p>	<p>National Weather Modification Policy Act of 1976, 15 U.S.C. § 330 <i>et seq.</i></p>	<p>The Secretary may require any person to submit a report before, during, or after that person may engage in any weather modification attempt or activity. 15 U.S.C. § 330c.</p>	<p>This mechanism has not been used in the recent past.</p>		
<p>US Department of Commerce</p>	<p>Land Remote Sensing Policy Act (LRSPA), 15 U.S.C. § 5601 <i>et seq.</i></p>	<p>Under the LRSPA, the Secretary may “ . . . issue subpoenas for any</p>	<p>Under 15 CFR §§ 960.14 and 960.15, § 5623(a) of the LRSPA is</p>	<p>“</p>	<p>“</p>

<p>NOAA, National Environmental Satellite, Data, and Information Service</p> <p>Satellite Programs Counsel</p>		<p>materials, documents, or records, or for the attendance and testimony of witnesses for the purpose of conducting a hearing under this section,” as well as the ability to “seize any object, record, or report pursuant to a warrant from a magistrate based on a showing of probable cause to believe that such object, record, or report was used, is being used, or is likely to be used in violation of this Act . . . “ 15 U.S.C. § 5623(a)</p>	<p>incorporated by reference. Specifically, under 15 CFR § 960.15, “As authorized by Section 203(a) of the Act, if the Secretary . . . determines that the licensee has substantially failed to comply with the Act, the regulations in this part, or any term, condition or restriction of the [NOAA] license, the Secretary . . . may request the appropriate U.S. Attorney to seek an order of injunction or similar judicial determination from the U.S. District Court for the District of Columbia Circuit or a U.S. District Court within which the licensee resides or has its principal place of business, to terminate, modify, or suspend the license, and/or to terminate licensed operations on an immediate basis.”</p> <p>Additionally, under 15 CFR § 960.15, “. . . (a) any person who violates any provision of the Act, any license issued thereunder, or the regulations in this part may be assessed a civil penalty by the Secretary of not more than \$10,000 for each violation. Each day of operation in</p>		
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			violation constitutes a separate violation. All civil penalties [sic] procedures shall be in accordance with 15 CFR Part 904. (b) Violation of the Act, this part, or any license issued under this part, may be subject to criminal penalty provisions prescribed in other applicable laws.”		
US Department of Commerce NOAA	Fur Seal Act	16 U.S.C. § 1174	This mechanism has not been used in the recent past.		
US Department of Commerce NOAA	Anadromous Stocks	16 U.S.C. § 5010	This mechanism has not been used in the recent past.		
US Department of Commerce NOAA	High Seas Fishing Compliance	16 U.S.C. § 5507	This mechanism has not been used in the recent past.		
US Department of Commerce NOAA	Ocean Thermal Energy	42 U.S.C. § 9152	This mechanism has not been used in the recent past.		
US Department of	Comprehensive	42 U.S.C. § 9609	Used to collect		

<p>Commerce</p> <p>NOAA</p>	<p>Environmental Response, Compensation and Liability Act (CERCLA)</p>		<p>information on hazardous waste sites.</p>		
<p>Department of Commerce†</p>	<p>15 U.S.C. §155</p> <p>The Secretary of Commerce may authorize such Foreign Service officer as Secretary of State shall make available to perform duties of China Trade Act Registrar under his direction. The statute states that the Registrar is to be located in China.</p>	<p>(a) Subpoena for attendance of witness and production of records, etc.</p> <p>For the efficient administration of the functions vested in the registrar by this chapter, he may require, by subpoena issued by him or under his direction, (1) the attendance of any witness and the production of any book, paper, document, or other evidence from any place in China at any designated place of hearing in China, or, if the witness is actually resident or temporarily sojourning outside of China, at any designated place of hearing within fifty miles of the actual residence or place of sojourn of such witness, and (2) the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition, the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed by the deponent. The registrar, or</p>	<p>(b) Aid of Federal district court</p> <p>In the case of failure to comply with any subpoena or in the case of the contumacy of any witness before the registrar or any individual so authorized by him, the registrar or such individual may invoke the aid of any Federal district court. Such court may thereupon order the witness to comply with the requirements of such subpoena and to give evidence touching the matter in question. Any failure to obey such order may be punished by such court as a contempt thereof.</p> <p>15 U.S.C. §155(b).</p>		

		<p>any officer , employee, or agent of the United States authorized in writing by him, may administer oaths and examine any witness. Any witness summoned or whose deposition is taken under this section shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.</p> <p>15 U.S.C. §155(a).</p>			
Department of Commerce†	<p>15 U.S.C. §155</p> <p>The Secretary of Commerce may authorize such Foreign Service officer as Secretary of State shall make available to perform duties of China Trade Act Registrar under his direction. The statute states that the Registrar is to be located in China.</p>	<p>(d) Access of registrar or his employee to books and records</p> <p>For the efficient administration of the functions vested in the registrar by this chapter, he, or any officer, employee, or agent of the United States authorized in writing by him, shall at all reasonable times, for the purpose of examination, have access to and the right to copy any book, account, record, paper, or correspondence relating to the business or affairs of a China Trade Act corporation.</p> <p>15 U.S.C. §155(d).</p>	<p>Any person who upon demand refuses the registrar, or any duly authorized officer, employee, or agent, such access or opportunity to copy, or hinders, obstructs, or resists him in the exercise of such right, shall be liable to a penalty of not more than \$5,000 for each such offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States.</p> <p>15 U.S.C. §155(d).</p>		
Department of Commerce†	15 U.S.C. § 1193	Secretary of Commerce [Consumer Product Safety Commission] may subpoena documents required for findings			

		pursuant to 15 U.S.C. §§ 1191 et seq. (flammable products)			
Department of Commerce†	15 U.S.C. § 5408	Fastener requirements investigations			
Department of Commerce†	16 U.S.C. § 4017	Fish and seafood promotion investigations			
Department of Commerce†	43 U.S.C. §§ 1845	Outer continental shelf resource management			
Department of Education					
Department of Education	Section 490A of the Higher Education Act of 1965(HEA), Pub. L. 89-329, as amended by §490B of Pub. L. 105-244, the Higher Education Amendments of 1998, codified at 20 U.S.C. §1097a. There are no regulations implementing this authority.	Education Department may by this authority require any person to produce documents and records pertaining to participation in the student financial assistance programs authorized under Title IV of the HEA. 20 U.S.C. §1097a(a). These programs include the Pell Grant, Supplemental Educational Opportunity Grant, College Work Study, Perkins Loan, Federal Family Education Loan, and Direct Loan Programs. 20 U.S.C. 1070-1099c-2, 42 U.S.C. 2751-2756b.	Education Department is to request the attorney general to seek enforcement of the subpoena in federal district court. 20 U.S.C. 1097a(b).	None specified in statute itself; nothing in the statute preempts otherwise applicable requirements of the Right to Financial Privacy Act, and those requirements would remain applicable where Education Department seeks records from a financial institution of a customer protected that Act. Information pertaining to an individual may be protected by virtue of the Privacy Act once records are produced to Education Department, and in instances in which records sought by the subpoena may result in the production of information that would be included in records maintained by Education Department in a system of records subject to the Privacy	Authority to issue subpoenas has been delegated to the Director of the Case Management and Oversight Division, Schools, Channel, and Office of Student Financial Assistance. The delegation requires the concurrence of the Office of General Counsel. No specific standards have been adopted for issuance; in the only instance we are aware of in which the subpoena was used, the cognizant Education Department official was advised why the records were needed, whether the records sought were related to participating in the student assistance programs, whether the records had been sought by other means, and whether the records were likely to be subject to

				Act, an appropriate notice would be included in the subpoena explaining the authority for the demand, the purposes for which the information is expected to be used, the routine uses for that information, and the consequences of failure to provide the information, as required by 5 U.S.C. § 552a(e)(3),	privilege.
Department of Energy					
Department of Energy	<p>Federal Energy Administration Act of 1974.</p> <p>P.L. 93-275.</p> <p>Functions transferred to the Secretary of Energy, 42 U.S.C. §§ 7151(a), 7293.</p> <p>15 U.S.C. §§ 761, <i>et seq.</i>, 15 U.S.C. § 772(a) (mandate).</p> <p>15 U.S.C. § 772(e) (subpoena authority; enforcement);</p> <p>15 U.S.C. § 772(i) (enforcement penalties).</p> <p>10 CFR §§ 205.8, 205.198, 205.199, 205.284, and 207.3 (implementing regulations).</p>	<p>Collect, assemble, evaluate, and analyze energy information by categorical groupings.</p> <p>15 U.S.C. § 772(a).</p> <p>Power to require by subpoena the attendance and testimony of witnesses, and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence which the Administrator is authorized to obtain pursuant to this section. 15 U.S.C. 772(e)(1).</p>	<p>There is no administrative appeal of a subpoena.</p> <p>10 CFR § 205.8(b)(6).</p> <p>Any appropriate United States district court may, in case of contumacy or refusal to obey a subpoena, issue an order requiring the recipient of the subpoena to appear before the Administration and to give testimony touching on the matter in question, or to produce documents. Any failure to obey such order of the court may be punished by such court as contempt of court.</p> <p>15 U.S.C. § 772(e)(2).</p> <p>Violators shall be subject to a civil penalty of not more than a \$ 2,500 for</p>	<p>The Administrator has authority not to disclose some collected information that would otherwise be available under FOIA.</p> <p>15 U.S.C. § 773(b).</p> <p>DOE regulations contain instructions on how subpoenas are to be delivered.</p> <p>10 CFR § 205.8(c).</p>	<p>Certain DOE officials may sign, issue and serve subpoenas of persons and documents. 10 CFR §§ 205.8(a), 205.8(b).</p>

			each violation. Willful violaters shall be fined not more than \$ 5,000 for each violation.		
Department of Energy	<p>Energy Supply and Environmental Coordination Act of 1974 (ESECA).</p> <p>P.L. 93-319: §§ 11(a), 11(b) (authority). §§ 12(a), 12(b) (enforcement).</p> <p>15 U.S.C. §§ 796, 797.</p> <p>Functions transferred to the Secretary of Energy, 42 U.S.C. §§ 7151(a), 7293. 15 U.S.C. §§ 796, 797.</p> <p>10 CFR §§ 205.8, 207.3, 207.8.</p>	<p>Request, acquire, and collect such energy information as determined to be necessary to assist in the formulation of energy policy or to carry out the purposes of this Act or the Emergency Petroleum Allocation Act of 1973 [15 U.S.C. §§ 751 <i>et seq.</i>].</p> <p>The Federal Energy Administrator is authorized to sign and issue subpoenas for the attendance and testimony of witnesses and the production of books, records, papers, and other documents; to require any person, by general or special order, to submit answers in writing to interrogatories, requests for reports or for other information; and to administer oaths. 15 U.S.C. §§ 796(a), 796(b).</p>	<p>Violaters shall be subject to a civil penalty of not more than \$ 2,500 for each violation. Willful violaters shall be fined not more than \$ 5,000 for each violation.</p> <p>(15 U.S.C. § 797(b))</p> <p>In case of a refusal to obey a subpoena or order of the Federal Energy Administrator, the Administrator may request any United States district court within the jurisdiction of which any inquiry is carried on to issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof. 15 U.S.C. § 796(b)(3).</p>	<p>The Administrator has authority not to disclose some collected information that would otherwise be available under FOIA.</p> <p>(15 U.S.C. § 773(b))</p> <p>DOE regulations contain instructions on how subpoenas are to be delivered. 10 CFR § 205.8(c).</p>	<p>Certain DOE officials may sign, issue and serve subpoenas of persons and documents.</p> <p>(10 CFR §§ 205.8(a), 205.8(b))</p>
Department of Energy	<p>DOE Organization Act.</p> <p>P.L. 95-91, Title V, § 501, (Aug. 4, 1977, as amended).</p> <p>42 U.S.C. §§ 7191, <i>et seq.</i></p>	<p>The Secretary, or his duly authorized agent or agents, shall have the same powers and authorities as the Federal Trade Commission under 15 U.S.C. § 49. That statute includes access to, for the purpose of examination, and the right to copy</p>	<p>The litigation of the Department shall be subject to the supervision of the Attorney General pursuant to 28 U.S.C. §§ 501 <i>et seq.</i> 42 U.S.C. §§ 7192.</p>		<p>Certain DOE officials may sign, issue and serve subpoenas of persons and documents. 10 CFR §§ 205.8(a), 205.8(b).</p> <p>In all hearings conducted in Security Clearance</p>

	<p>42 U.S.C. § 7255.</p> <p>10 CFR §§ 205.8, 205.198, 205.199, and 205.284.</p>	<p>any documentary evidence of any person, partnership, or corporation being investigated or proceeded against; and the commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation.</p> <p>Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States, at any designated place of hearing. And in case of - disobedience to a subpoena the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. 15 U.S.C. §49.</p> <p>The Hearing Officer shall have all powers necessary to regulate the conduct of proceedings concerning review of security clearances, including issuing subpoenas for witnesses to attend the hearing or for the production of specific documents or other physical evidence. Requests for subpoenas shall be liberally granted. 10</p>	<p>The Board [of Contract Appeals] may apply through the Attorney General to an appropriate United States District Court for an order requiring a person, who has failed to obey a subpoena issued by the Board, to produce evidence or to give testimony, or both, 41 U.S.C. § 610. 10 CFR § 1023.4.</p>		<p>cases under 10 CFR Part 710, the individual is responsible for producing witnesses in his own behalf, including requesting the issuance of subpoenas, if necessary, or presenting other proof before the Hearing Officer to support his defense to the allegations contained in the notification letter. 10 CFR § 710.26.</p>
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		CFR §710.25.			
Department of Energy	<p>Atomic Energy Act of 1954 (AEA).</p> <p>42 U.S.C. §§ 2011, <i>et seq.</i>, Aug. 30, 1954, ch 1073, Title I, 68 Stat. 921, <i>et seq.</i></p> <p>42 U.S.C. § 2201 (subpoena authority).</p> <p>The word “commission” in the AEA referred to the Atomic Energy Commission (AEC). The AEC was abolished in 1974 (42 U.S.C. § 5814(a)), and its functions were transferred to the Administrator of the Energy Research and Development Administration (ERDA) and certain other agencies. ERDA was abolished and all its functions were transferred to and all its functions were transferred to DOE by Act Aug. 4, 1977, P.L. 95-91, Title III, § 301(a), Title III, § 301(a), Title VII, §§ 703, and 707, 91 Stat. 577, 606-607, which appear as 42 U.S.C. §§ 7151(a), 7293, and 7297, respectively.</p>	<p>The Commission is authorized to make such studies and investigations, obtain such information, and hold such meetings or hearings as it may deem necessary or proper to assist in exercising any authority provided in this Act, or in the administration or enforcement of this Act or any regulations or orders issued thereunder. For such purposes the Commission is authorized by subpoena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. 42 U.S.C. § 2201(c).</p> <p>The Hearing Officer shall have all powers necessary to regulate the conduct of proceedings concerning review of security clearances, including issuing subpoenas for witnesses to attend the hearing or for the production of specific documents or other physical evidence. Requests for subpoenas shall be liberally granted. (10 CFR § 710.25)</p>	<p>The Board [of Contract Appeals] may apply through the Attorney General to an appropriate United States District Court for an order requiring a person, who has failed to obey a subpoena issued by the Board, to produce evidence or to give testimony, or both, 41 U.S.C. § 610. 10 CFR § 1023.4.</p>		<p>Certain DOE officials may sign, issue and serve subpoenas of persons and documents. 10 CFR §§ 205.8(a), 205.8(b).</p> <p>In all hearings conducted in Security Clearance cases under 10 CFR Part 710, the individual is responsible for producing witnesses in his own behalf, including requesting the issuance of subpoenas, if necessary, or presenting other proof before the Hearing Officer to support his defense to the allegations contained in the notification letter. 10 CFR § 710.26.</p>
Department of	Natural Gas Act	Any member of the Commission, or any officer	Any appropriate United States district court may,	DOE regulations contain instructions on how sub-	Certain DOE officials may sign, issue and serve

<p>Energy</p>	<p>June 21, 1938, ch 556, § 14, 52 Stat. 828; Oct. 15, 1970, P.L. 91-452, Title II, § 218, 84 Stat. 929.</p> <p>15 U.S.C. §§ 717, <i>et seq.</i> 15 U.S.C. § 717m</p> <p>Ex. Or. No. 10485 of Sept. 3, 1953, 18 <i>Fed. Reg.</i> 5397; Ex. Or. No. 12038 of Feb. 3, 1978, 43 <i>Fed. Reg.</i> 4957.</p> <p>The Federal Power Commission was terminated and its functions were transferred to the Secretary of Energy (except for certain functions which were transferred to the Federal Energy Regulatory Commission) by 42 U.S.C. §§ 7151(b), 7171(a), 7172(a), 7291 and 7293.</p>	<p>designated by it, is empowered to subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the Commission finds relevant or material to the inquiry. 15 U.S.C. § 717m.</p>	<p>in case of contumacy or refusal to obey a subpoena, issue an order requiring the recipient of the subpoena to appear before the Commission and to give testimony touching on the matter in question, or to produce documents. Any failure to obey such order of the court may be punished by such court as contempt of court. 15 U.S.C. § 717m(d).</p>	<p>poenas are to be delivered. 10 CFR § 205.8(c).</p>	<p>subpoenas of persons and documents. 10 CFR §§ 205.8(a), 205.8(b).</p>
<p>Department of Energy</p>	<p>Federal Power Act</p> <p>June 10, 1920, ch 285, Part III, § 314, as added Aug. 26, 1935, ch 687, Title II, § 213, 49 Stat. 861.</p> <p>16 U.S.C. §§ 791a <i>et seq.</i></p>	<p>The Secretary may prescribe such procedures as deemed necessary or desirable for the exercise of the authority delegated by E.O. 10485.</p> <p>Further, the Secretary has authority to issue subpoenas under the DOE Organization Act (P.L. 95-91).</p>	<p>Any appropriate United States district court or certain other Federal courts may enjoin violations and enforce compliance with the Federal Power Act or any rule, regulation, or order thereunder. A court may also grant a permanent or</p>	<p>DOE regulations contain instructions on how subpoenas are to be delivered. 10 CFR § 205.8(c).</p>	<p>Certain DOE officials may sign, issue and serve subpoenas of persons and documents. 10 CFR §§ 205.8(a), 205.8(b).</p>

	<p>16 U.S.C. § 824a(e)</p> <p>Ex. Or. No. 10485 of Sept. 3, 1953, 18 <i>Fed. Reg.</i> 5397; Ex. Or. No. 12038 of Feb. 3, 1978, 43 <i>Fed. Reg.</i> 4957.</p> <p>The Federal Power Commission was terminated and its functions, personnel, property, funds, etc., were transferred to the Secretary of Energy (except for certain functions which were transferred to the Federal Energy Regulatory Commission) by 42 U.S.C. §§ 7151(b), 7171(a), 7172(a), 7291 and 7293.</p>		<p>temporary injunction or decree or restraining order.</p> <p>16 U.S.C. 825m.</p>		
<p>Department of Energy</p> <p>Office of Inspector General</p>	<p>The Inspector General Act of 1978, as amended (IG Act).</p> <p>Section 6(a)(4), P.L. 95-452, as amended.</p> <p>5 U.S.C. app. 3.</p>	<p>The Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States</p>	<p>United States district court, pursuant to section 6(a)(4).</p>	<p>Notification, Privacy and Right to Financial Privacy Act procedures are consistent with Inspector General Directive, IG-916, dated, June 24, 1986.</p>	<p>The Inspector General procedures for issuing subpoenas are contained in IG Directive, IG-916.</p>

		district court: Provided, That procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal Agencies. §6(a)(4).			
Department of Energy	<p>Natural Gas Policy Act of 1978 (NGPA).</p> <p>Sec. 304, P.L. 94-586, § 11, 90 Stat. 2914, Oct. 22, 1976.</p> <p>15 U.S.C. §§ 3361, <i>et seq.</i></p> <p>15 U.S.C. § 3364(a)(1)(A) (Subpoena power)</p> <p>15 U.S.C. § 3364(a)(2) (Enforcement)</p> <p>By Ex. Or. No. 12235 of Sept. 3, 1980, 45 <i>Fed. Reg.</i> 58803, the President delegated to the Secretary of Energy the functions vested in the President by Sections 301 through 304(c) of the NGPA (15 U.S.C. §§ 3361-3364(c)), except for the authority to declare, extend, and terminate a natural gas supply emergency pursuant to Section 301 thereof (15 U.S.C. 3361).</p>	<p>The Secretary or his delegate may sign and issue subpoenas for the attendance and testimony of witnesses and the production of books, records, papers, and other documents.</p> <p>15 U.S.C. § 3364(a)(1)(A).</p>	<p>The appropriate United States district court may, upon petition of the Attorney General at the request of the Secretary, in the case of refusal to obey a subpoena or order, issue an order requiring compliance therewith. Any failure to obey an order of the court may be punished by the court as a contempt thereof.</p> <p>15 U.S.C. § (a)(2).</p> <p>It shall be unlawful for any person to violate any provision of this Act or any rule or order under the NGPA. 15 U.S.C. § 3414(a).</p> <p>Any appropriate United States district court or certain other Federal courts may enjoin violations and enforce compliance with the NGPA or any rule, regulation, or order there- thereunder. Knowing violators (civil violations) may be assessed up to \$ 5,000</p>	<p>DOE regulations contain instructions on how subpoenas are to be delivered.</p> <p>10 CFR § 205.8(c).</p>	<p>Certain DOE officials may sign, issue and serve subpoenas of persons and documents. 10 CFR §§ 205.8(a), 205.8(b).</p>

			for any one violation, except that violators of § 302 [15 U.S.C. § 3362] may be assessed up to \$ 25,000. Criminal penalties are also provided. 15 U.S.C. §§ 3414(b), 3414(c).		
Department of Energy	<p>The Defense Production Act of 1950 (DPA).</p> <p>Sept. 8, 1950, ch 932, Title VII, § 705, 64 Stat. 816.</p> <p>50 U.S.C. Appx 2061 <i>et seq.</i></p> <p>10 CFR § 205.8</p> <p>Ex. Or. No. 11790 of June 25, 1974, § 4, 39 Fed. Reg. 23185; Ex. Or. No. 12038 of Feb. 3, 1978, 43 Fed. Reg. 4957, located at 15 U.S.C. § 761 note, provided that the Secretary of Energy is authorized to exercise the authority vested in the President by this section as it relates to the production, conservation, use, control, distribution, and allocation of energy, without approval, ratification, or other action of the President or any other official of the executive branch of the Government, notwithstanding the</p>	<p>While this Act is in effect and for a period of two years thereafter, the Secretary may subpoena such information or make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of any person, as may be necessary or appropriate, in his discretion, to the enforcement or the administration of the DPA and the regulations or orders issued thereunder.</p> <p>(50 U.S.C. Appx § 2155(a))</p>	<p>In case of contumacy by, or refusal to obey a subpoena served upon, any person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the President, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.</p> <p>(50 U.S.C. Appx § 2155(a))</p> <p>Willful performance of any act prohibited or willful failure to perform any act required by the DPA, or any rule, regulation, or order thereunder, shall upon conviction be subject to a fine of not more than \$10,000 or imprisonment for not more than one year or</p>	<p>DOE regulations contain instructions on how subpoenas are to be delivered.</p> <p>(10 CFR § 205.8(c))</p>	<p>The production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person usually keeps them, if, prior to the return date specified in the regulations, subpoena, or other document issued with respect thereto, such person furnishes a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the Secretary as to the information contained in such books, records, or other documentary evidence.</p> <p>(50 U.S.C. Appx § 2155(b))</p> <p>Certain DOE officials may sign, issue and serve subpoenas of persons and documents. 10 CFR §§ 205.8(a), 205.8(b).</p>

	provisions of Ex. Or. No. 12919, 59 FR 29525 (June 7, 1994). Ex Order 12919, in section 902, also delegates to the Secretary of Energy the subpoena power with respect to section 101 of the DPA.		both. 50 U.S.C. Appx § 2155(c).		
Department of Energy†	42 U.S.C. § 13263	Authority of the Secretary or designee to require the attendance and testimony of witnesses and the production of books, papers, correspondence, and other documentary items in carrying out various provisions related to alternative fuels			
Department of Energy & Department of the Interior†	42 U.S.C. § 6381	Energy database and energy information			
Department of Health and Human Services					
Department of Health and Human Services Office of the Inspector General	Inspector General Act, Public Law 95-452, Appendix (the same authority possessed by other Inspectors General).	Administrative subpoena authority, generally recognized as limited to subpoena duces tecum (statutory language: “[Each Inspector General...is authorized...] to require by subpoena the production of all information, documents, reports, answer, records, accounts, papers, and other data and documentary evidence necessary in the performance of the	In the event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court.	None specific to the Inspector General Act; statutory notification requirements followed for Inspector General subpoenas issued pursuant to the Right of Financial Privacy Act.	OIG has established within OIG various policies and procedures regarding subpoena request and issuance.

		functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall enforceable by order of any appropriate United States district court: provided, that procedures other than subpoenas shall be used by the Inspector General to obtain information from Federal agencies.”).			
<p>Department of Health and Human Services</p> <p>Office of the General Counsel</p> <p>Food & Drug Administration</p> <p>Office of the Administrative Law Judge</p> <p>Office of the Inspector General</p>	Food, Drug, and Cosmetic Act § 303(f), 21 U.S.C. § 333(f).	<p>In a hearing to assess a civil money penalty for violations with respect to adulterated food, the presiding officer may authorize a party to obtain discovery from other persons and may issue a subpoena to compel testimony or production of documents from any person. 21 U.S.C. § 333(f)(2)(C) (incorporating by reference 21 U.S.C. § 346a(g)(B)).</p> <p>In the course of any investigation or hearing with respect to civil money penalties for violations with respect to devices, or the introduction into interstate commerce of adulterated food, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of documents. 21 U.S.C. § 333(f)(3).</p>	In the event of refusal to obey a subpoena in a hearing to assess civil money penalties for violations with respect to adulterated food, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 21 U.S.C. § 333(f)(2)(C) (incorporating by reference 21 U.S.C. § 346a(g)(B)).	The presiding officer in a hearing to assess civil money penalties for violations with respect to adulterated food is governed by the Federal Rules of Civil Procedure. 21 U.S.C. § 333(f)(2)(C) (incorporating by reference 21 U.S.C. § 346a(g)(B)).	

<p>Department of Health and Human Services</p> <p>Office of the General Counsel</p> <p>Food & Drug Administration Office of the Administrative Law Judge</p> <p>Office of the Inspector General</p>	<p>Food, Drug, and Cosmetic Act § 306(i), 21 U.S.C. § 335a(i).</p>	<p>In the course of any investigation or hearing with respect to debarment, temporary denial of approval, or suspension of any corporation, partnership, association, or individual, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence regarding the matter under investigation. 21 U.S.C. § 335a(i).</p>			
<p>Department of Health and Human Services Office of the General Counsel</p> <p>Food & Drug Administration Office of the Administrative Law Judge</p> <p>Office of the Inspector General</p>	<p>Food, Drug, and Cosmetic Act § 307(b)(1)(A), 21 U.S.C. § 335b(b)(1)(A).</p>	<p>In the course of any investigation or hearing with respect to the potential imposition of civil money penalties for, among other things, false statements, misrepresentations, the payment of bribes or illegal gratuities in connection with an abbreviated drug application, the Secretary can issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence regarding the matter under investigation. 21 U.S.C. § 335b(b)(1)(A).</p>			
<p>Department of Health and Human Services</p>	<p>Food, Drug and Cosmetic Act § 308(b), 21 U.S.C. § 335c(b).</p>	<p>In the course of any investigation or hearing with respect to the withdrawal of approval of</p>			

<p>Office of the General Counsel</p> <p>Food & Drug Administration</p> <p>Office of the Administrative Law Judge</p> <p>Office of the Inspector General</p>		<p>an abbreviated drug application as a result of, among other things, bribery, payment of illegal gratuities, or an applicant's demonstrated inability to produce the drug for which the application has been submitted, the Secretary can issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence regarding the matter under investigation. 21 U.S.C. § 335c(b).</p>			
<p>Department of Health and Human Services</p> <p>Office of the General Counsel</p> <p>Food & Drug Administration</p> <p>Office of the Administrative Law Judge</p>	<p>Food, Drug & Cosmetic Act §§ 303, 307, 21 U.S.C. §§ 333, 335b; Public Health Service Act §§ 351, 354, 2128, 42 U.S.C. §§ 262, 263b, 300aa-28.</p> <p>21 CFR Chapter I, FDA, Subchapter A, General, Part 17, Civil Money Penalty Hearings, §§ 17.19, 17.23, 17.27, 17.28, 17.35.</p>	<p>In connection with hearings with respect to the imposition of civil money penalties, the presiding officer has the authority to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence relating to the matter under investigation. 21 CFR § 17.19(b)(5).</p>	<p>The presiding officer can sanction a person, including a party or its counsel, for failure to comply with a subpoena by (1) the employment of an inference in favor of the person requesting the information; (2) prohibiting the party not complying with the subpoena from introducing evidence, or relying on testimony, regarding the information sought; and (3) striking pleadings of the noncomplying party. 21 CFR § 17.35(c).</p>	<p>A party to the hearing is required to request documents at least 60 days prior to the hearing. 21 CFR § 17.23.</p> <p>A party wishing to procure the attendance and testimony of an individual at a hearing (and the production of documents at the hearing) is required to request that the presiding officer issue a subpoena at least 20 days prior to the hearing. 21 CFR § 17.27(a) - (c).</p> <p>A party or person to whom a subpoena is addressed who believes that the subpoena is unreasonable, oppressive, excessive in scope, etc., can file a motion to quash the subpoena within 10 days of the subpoena. 21</p>	

				CFR § 17.27(f). A party or prospective witness may file a motion for a protective order with respect to discovery sought by a party or with respect to a hearing, in order to limit the availability or disclosure of evidence. 21 CFR § 17.28.	
<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Department of Health and Human Services</p> <p>Food & Drug Administration</p> <p>Office of the Administrative Law Judge</p>	<p>Mammography Quality Standards Act, Public Health Service Act § 354(d)(2)(B), 42 U.S.C. § 263b(d)(2)(B).</p> <p>21 CFR Chapter I, FDA, HHS, Subchapter I, Mammography Quality Standards Act, Part 900, Mammography, Subpart B, Quality Standards & Certification, § 900.15(d)(4).</p>	<p>In holding a formal hearing with respect to the decision of the Division of Mammography Quality and Radiation Programs (DMQRP) following its reconsideration of an accreditation body's adverse accreditation or reaccreditation decision that precludes certification or recertification of a mammography facility, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 21 CFR § 900.15(d)(4) (incorporating by reference 42 CFR Part 498, Subpart D); 42 CFR § 498.58(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 21 CFR § 900.15(d)(4) (incorporating by reference 42 CFR Part 498, Subpart D); 42 CFR § 498.58(b).</p> <p>The request must identify the witnesses or documents to be produced and specify the pertinent facts that the party expects to establish by the witnesses or documents, and why those facts could not be established without the use of a subpoena. 21 CFR § 900.15(d)(4) (incorporating by reference 42 CFR Part 498, Subpart D); 42 CFR § 498.58(d).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 21 CFR § 900.15(d)(4) (incorporating by reference 42 CFR Part 498, Subpart D); 42 CFR § 498.58(a).</p>
<p>Department of Health and Human</p>	<p>Indian Self-Determination & Education Act, 25 U.S.C.</p>	<p>With respect to hearings before an ALJ on appeals of, among other things,</p>			

<p>Services</p> <p>Office of the General Counsel</p> <p>Department of the Interior Interior Board of Indian Appeals Interior Board of Contract Appeals</p>	<p>§ 450f et seq., including 25 U.S.C. §§ 450f(b)(3), 450j(m), 450j-1(f), 450m-1(d), 458aaa-6, 458aaa-8(b), 458aaa-11.</p> <p>25 CFR Chapter V, BIA & IHS, Part 900, Contracts Under the Indian Self-Determination & Education Assistance Act, Subpart L, Appeals, § 900.164.</p>	<p>denials of certain contracts and refusals to waive certain regulations, etc. (listed in 25 CFR § 900.150), with respect to the Indian Self-Determination and Education Act, Indian tribes, tribal organizations, and the government agency all have the right to compel the presence of witnesses or the production of documents or both by subpoena at hearings or depositions. 25 CFR § 900.164.</p>			
<p>Department of Health and Human Services</p> <p>Office of the General Counsel</p>	<p>Health Insurance Portability and Accountability Act (“HIPAA”), Pub. L. No. 104-191, 42 U.S.C. § 1320d-5(a)(2) ((incorporating by reference Social Security Act § 1128A, 42 U.S.C. § 1320a-7a, incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)).</p>	<p>The Secretary has the authority to issue subpoenas in investigating matters and holding hearings under the Administrative Simplification provisions of HIPAA, with respect to matters involving the imposition of civil money penalties. 42 U.S.C. § 1320d-5(a)(2) (incorporating by reference Social Security Act § 1128A, 42 U.S.C. § 1320a-7a); 42 U.S.C. § 1320a-7a(j) (incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)).</p> <p>With respect to the privacy provisions, the Secretary has delegated that authority to the Office for Civil</p>	<p>In the event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. § 1320d-5(a)(2) (incorporating by reference Social Security Act § 1128A, 42 U.S.C. § 1320a-7a); 42 U.S.C. § 1320a-7a(j) (incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)).</p>	<p>Notice by service of the subpoena. 42 U.S.C. § 1320d-5(a)(2) (incorporating by reference Social Security Act § 1128A, 42 U.S.C. § 1320a-7a); 42 U.S.C. § 1320a-7a(j) (incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)).</p> <p>45 CFR § 160.310(c)(3) requires the protection of any protected health information obtained by the Secretary to ascertain compliance with the Administrative Simplification provisions of HIPAA and 45 CFR Parts 160 and 164.</p>	<p>The Department is in the process of developing standards and procedures for the issuance of administrative subpoenas under the Administrative Simplification provisions of HIPAA. (No covered entity is required to comply with the regulations adopted under the Administrative Simplification provisions of HIPAA until 2003 at the earliest.)</p>

		Rights.			
<p>Department of Health and Human Services</p> <p>Office of the General Counsel</p> <p>Office of the Inspector General</p>	<p>Social Security Act § 1918, 42 U.S.C. § 1396q (incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)).</p>	<p>In any hearing, investigation, or other proceeding relating to grants to States for medical assistance programs, the Secretary has the authority to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question. 42 U.S.C. § 1396q (incorporating by reference Social Security Act § 205(d), 42 U.S.C. § 405(d)).</p>	<p>In the event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. § 1396q (incorporating by reference Social Security Act § 205(e), 42 U.S.C. § 405(e)).</p>		
<p>Department of Health and Human Services</p> <p>Office of the General Counsel</p> <p>Center for Medicare & Medicaid Services Provider Reimbursement Review Board</p>	<p>Social Security Act, § 1878, 42 U.S.C. § 1395oo(e) (incorporating by reference 42 U.S.C. § 405(d) & (e)).</p> <p>42 CFR Chapter IV, CMS, Subchapter B, Medicare Program, Part 405, Federal Health Insurance for the Aged & Disabled, Subpart R, Provider Reimbursement Determinations and Appeals, §§ 405.1835(a), 405.1857.</p>	<p>The Provider Reimbursement Review Board has the authority to issue subpoenas requiring the attendance and testimony of witnesses and/or the production of evidence relating to any matter at issue in Board hearings on intermediary determinations (as defined in 42 CFR § 405.1801(a)(1)) with respect to payments to providers and hospitals in the Medicare Program where the amount in controversy equals or exceeds \$10,000. 42 U.S.C. § 1395oo(e) (incorporating by reference 42 U.S.C. § 405(d); 42 CFR §§ 405.1857, 405.1835(a).</p>	<p>In the event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. 1395oo(e) (incorporating by reference 42 U.S.C. § 405(e)).</p>	<p>A party wishing to obtain the issuance of a subpoena shall file a written request at least 10 days before the hearing. 42 CFR § 405.1857. The written request must state the pertinent facts which the party expects to establish by the witnesses or documents and whether such facts could be established by other means. <i>Id.</i></p>	<p>The Board may issue a subpoena where reasonably necessary for the full presentation of a party's case. 42 CFR § 405.1857.</p>

<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Social Security Act § 1881, 42 U.S.C. § 1395rr (incorporating by reference Social Security Act § 205, 42 U.S.C. § 405).</p> <p>42 CFR, Chapter IV, CMS, Subchapter B, Medicare Program, Part 405, Federal Health Insurance for the Aged & Disabled, Subpart U, Conditions for Coverage of Suppliers of End Stage Renal Disease (ESRD) Services, § 405.2182.</p>	<p>In a hearing with respect to an appeal of the termination of Medicare coverage of a supplier's ESRD services because the supplier no longer meets the conditions for coverage of its services, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 405.2182 (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 405.2182 (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 405.2182 (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>
<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Social Security Act §§ 1102, 1871, 42 U.S.C. § 1302, 1395hh.</p> <p>42 CFR, Chapter IV, CMS, Subchapter B, Medicare Program, Part 405, Federal Health Insurance for the Aged & Disabled, Subpart X, Rural Health Clinic and Federally Qualified Health Center Services, § 405.2402(f).</p>	<p>In a hearing with respect to an appeal of the Secretary's decision not to certify a rural health clinic or his refusal to enter into or renew an agreement with a rural health clinic, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 405.2402(f) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 405.2402(f) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 405.2402(f) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>
<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p>	<p>Social Security Act §§ 1102, 1871, 42 U.S.C. § 1302, 1395hh.</p> <p>42 CFR, Chapter IV, CMS, Subchapter B, Medicare Program, Part 405, Federal Health Insurance for the Aged &</p>	<p>In a hearing with respect to an appeal by a rural health clinic of the termination of an agreement between CMS and the rural health clinic, an administrative law judge may issue subpoenas upon his own motion or at the request of</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 405.2404(b)(3) (incorporating by reference 42 CFR Part</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 405.2404(b)(3) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>

Department of Health and Human Services Departmental Appeals Board	Disabled, Subpart X, Rural Health Clinic and Federally Qualified Health Center Services, § 405.2404(b)(3).	a party. 42 CFR § 405.2404(b)(3) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).	Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.	498); 42 CFR § 498.58(b).	
Department of Health and Human Services* Office of the General Counsel Departmental Appeals Board	Social Security Act §§ 1102, 1871, 42 U.S.C. §§ 1302, 1395hh. 42 CFR, Chapter IV, CMS, Subchapter B, Medicare Program, Part 405, Federal Health Insurance for the Aged & Disabled, Subpart X, Rural Health Clinic and Federally Qualified Health Center Services, § 405.2430(d).	In a hearing with respect to an appeal of the failure of CMS to enter into an agreement with an entity with respect to federally qualified health service centers, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 405.2430(d) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).	In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.	A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 405.2430(d) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).	The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 405.2430(d) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).
Department of Health and Human Services* Office of the General Counsel Departmental Appeals Board	Social Security Act §§ 1102, 1871, 42 U.S.C. §§ 1302, 1395hh. 42 CFR, Chapter IV, CMS, Subchapter B, Medicare Program, Part 405, Federal Health Insurance for the Aged & Disabled, Subpart X, Rural Health Clinic and Federally Qualified Health Center Services, § 405.2436(c)(3).	In a hearing with respect to an appeal of the termination by CMS of an agreement with a federally qualified health center, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 405.2436(c)(3) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).	In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.	A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 405.2436(c)(3) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).	The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 405.2436(c)(3) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).
Department of Health and Human Services Office of the General	Social Security Act § 1862(b), 42 U.S.C. § 1395y(b)(3)(C), (5)(C)(ii), (6)(B) (incorporating by reference 42 U.S.C.	In the appeal/review of a determination by CMS that a group health plan does not conform to the requirements of 42 U.S.C. § 1395y(b) with respect to	In the event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C.	A party wishing to obtain a subpoena must file with the hearing officer a written request for a subpoena at least 10 days before the hearing. 42	The hearing officer may issue subpoenas if they are reasonably necessary for full presentation of the case. 42 CFR § 411.121(f).

<p>Counsel</p> <p>Departmental Appeals Board</p>	<p>§ 1320a-7a, incorporating by reference 42 U.S.C. § 405(d)&(e).</p> <p>42 CFR, Chapter IV, CMS, Subchapter B, Medicare Program, Part 411, Exclusions from Medicare and Limitations on Medicare Payment, Subpart E, Limitations on Payment for Services Covered under Group Health Plans: General Provisions, § 411.121(f).</p>	<p>Medicare as a secondary payer, the hearing officer may issue – on his own motion or upon the request of any party – subpoenas for the attendance and testimony of witnesses and/or the production of documents relating to matters at issue. 42 CFR § 411.121(f)(1).</p>	<p>§ 1395y(b)(3)(C), (5)(C)(ii), (6)(B) (incorporating by reference 42 U.S.C. § 1320a-7a(j), incorporating by reference 42 U.S.C. § 405(d)&(e)).</p>	<p>CFR § 411.121(f)(2). The written request must identify the witnesses or documents to be produced, identifying the pertinent facts to be established by the testimony or documents sought. 42 CFR § 411.121(f)(3).</p> <p>The subpoenas are issued at the hearing officer’s discretion. 42 CFR § 411.121(f)(4).</p>	
<p>Department of Health and Human Services*</p> <p>Center for Medicare & Medicaid Services</p> <p>Medicare Geographic Classification Review</p>	<p>Social Security Act § 1886, 42 U.S.C. § 1395ww(d)(10)(G)(ii) (incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)).</p> <p>42 CFR Chapter IV, CMS, Subchapter B Medicare Program, Part 412, Prospective Payment Systems for Inpatient Hospital Services, Subpart L, the Medicare Geographic Classification Review Board Composition and Procedures, § 412.268.</p>	<p>In review of the redesignation of a hospital – from a rural area to urban area, from one rural area to another rural area, and from one urban area to another urban area – for purposes of using the other area’s standardized amount for inpatient operating costs, wage index value, or both – the Medicare Geographic Classification Review Board may issue subpoenas – on its own motion or at the request of a party – for the attendance and testimony of witnesses and/or production of documents relevant and material to any matter of issue. 42 CFR § 412.268(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. § 1395ww(d)(10)(G)(ii) (incorporating by reference 42 U.S.C. § 405(d) & (e)).</p>	<p>A party must issue a predecision request for information or data. 42 CFR § 412.268(a). Only when this request has failed to produce the necessary evidence, can the party submit a written request to the Medicare Geographic Classification Review Board for issuance of a subpoena for attendance and testimony of witnesses or production of documents. 42 CFR § 412.268(a). The request must identify the individual or documents that are to be produced and must state the pertinent facts that the party expects to establish by the requested witnesses or documents, and whether these facts</p>	<p>The Board may issue subpoenas if they are reasonably necessary for full presentation of the case, and only after a predecision request for information or data has failed to produce the necessary evidence. 42 CFR § 412.268(a).</p>

				could be established by other evidenced without the use of a subpoena. 42 CFR § 412.268(b).	
<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Social Security Act §§ 1102, 1832, 1833, 1871, 42 CFR §§ 1302, 1395k, 1395l, 1395hh.</p> <p>42 CFR Chapter IV, CMS, Subchapter B Medicare Program, Part 416, Ambulatory Surgical Services, Subpart B, General Conditions and Requirements, § 416.26(f).</p>	<p>In a hearing with respect to an appeal by an ambulatory surgical center (“ASC”) of a decision by CMS refusing to enter into an agreement with the ASC or terminating such an agreement, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 416.26(f) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 416.26(f) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 416.26(f) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>
<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Social Security Act §§ 1102, 1832, 1833, 1871, 42 CFR §§ 1302, 1395k, 1395l, 1395hh.</p> <p>42 CFR Chapter IV, CMS, Subchapter B Medicare Program, Part 416, Ambulatory Surgical Services, Subpart B, General Conditions and Requirements, § 416.35(b)(3).</p>	<p>In a hearing with respect to an appeal by an ambulatory surgical center (“ASC”) of a decision by CMS terminating an agreement with the ASC, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 416.35(b)(3) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 416.35(b)(3) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 416.35(b)(3) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>
<p>Department of Health and Human Services</p> <p>Office of the General Counsel</p>	<p>Social Security Act §§ 1102, 1814, 1861, 1862, 1871, 42 U.S.C. §§ 1302, 1395f, 1395x, 1395y (incorporating by reference 42 U.S.C. § 405(d) & (e)), 1395hh.</p>	<p>The Provider Reimbursement Review Board has the authority to issue subpoenas requiring the attendance and testimony of witnesses and/or the production of</p>	<p>In the event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1395y, 1395oo(e)</p>	<p>A party wishing to obtain the issuance of a subpoena shall file a written request at least 10 days before the hearing. 42 CFR § 418.311 (incorporating by</p>	<p>The Board may issue a subpoena where reasonably necessary for the full presentation of a party’s case. 42 CFR § 418.311 (incorporating by reference 42 CFR Part</p>

<p>Center for Medicare & Medicaid Services Provider Reimbursement Review Board</p>	<p>42 CFR, Chapter IV, CMS, Subchapter B, Medicare Program, Part 418, Hospice Care, Subpart G, Payment for Hospice Care, § 418.311.</p>	<p>evidence relating to any matter at issue in hearings with respect to payments to hospices (with respect to amounts in controversy that exceed \$10,000) under the Medicare Program. 42 CFR § 418.311 (incorporating by reference 42 CFR Part 405, Subpart R); 42 CFR § 405.1857.</p>	<p>(both incorporating by reference 42 U.S.C. § 405(e)).</p>	<p>reference 42 CFR Part 405, Subpart R); 42 CFR § 405.1857. The written request must state the pertinent facts which the party expects to establish by the witnesses or documents and whether such facts could be established by other means. <i>Id.</i></p>	<p>405, Subpart R); 42 CFR § 405.1857.</p>
<p>Department of Health and Human Services* Office of the General Counsel Departmental Appeals Board</p>	<p>Social Security Act §§ 1102, 1871, 42 U.S.C. §§ 1302, 1395hh. 42 CFR Chapter IV, CMS, Subchapter B, Medicare Program, Part 420, Program Integrity: Medicare, Subpart A, General Provisions, § 420.3(a).</p>	<p>In a hearing with respect to an appeal by a provider of a decision by CMS terminating the provider agreement for failure to comply with the disclosure of information requirements set forth in 42 CFR Part 420 Subpart C, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 420.3(a) (incorporating by reference 42 CFR Part 498); 42 CFR 498.58(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 420.3(a) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 420.3(a) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>
<p>Department of Health and Human Services* Office of the General Counsel Departmental Appeals Board</p>	<p>Social Security Act §§ 1814, 1815, 1820, 1835, 1842, 1848, 1870, 42 U.S.C. §§ 1395f, 1395g, 1395i-4, 1395n, 1395u, 1395w-4, 1395gg. 42 CFR Chapter IV, CMS, Subchapter B, Medicare Program, Part 424, Conditions for Medicare Payment, Subpart G, Special Conditions: Emergency</p>	<p>In a hearing with respect to an appeal by a nonparticipating hospital that provides emergency services of a determination by CMS that the hospital does not qualify to claim reimbursement, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 424.104(d) (incorporating by reference 42 CFR Part</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 424.104(d) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 424.104(d) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>

	Services Furnished by a Nonparticipating Hospital, § 424.104(d).	498); 42 CFR § 498.58(a).			
<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Social Security Act § 1102, 42 U.S.C. §1302.</p> <p>42 CFR Chapter IV, CMS, Subchapter C, Medical Assistance Programs, Part 431, State Organization and General Administration, Subpart D, Appeals Process, § 431.153(g) & (h).</p>	<p>In a hearing with respect to an appeal by a nursing facility (NF) of (1) a determination by a State, denying or terminating participation in Medicaid and the basis of the determination is also a basis for denial or termination of the NF's participation in Medicare (in which the NF is participating or seeking to participate), or (2) a determination by CMS that the NF is not in substantial compliance, terminating the NF's Medicaid provider agreement or imposing alternative remedies, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 431.153(g)(1) & (h) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 431.153(g)(1) & (h) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 431.153(g)(1) & (h) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>

<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Social Security Act §§ 1102, 1871, 1894, 1905, 1934, 42 U.S.C. §§ 1302, 1395, 1395eee, 1396d, 1396u-4.</p> <p>42 CFR Chapter IV, CMS, Subchapter E, Programs of All-Inclusive Care for the Elderly, Part 460, Programs of All-Inclusive Care for the Elderly (PACE), Subpart D, Sanctions, Enforcement Actions & Terminations, § 460.46.</p>	<p>In proceedings to impose civil monetary fines for violations with respect to enrollment, disenrollment, excessive premiums, misrepresentations, or falsifications of information, an administrative law judge has the authority to issue subpoenas requiring the attendance of witnesses at hearings and the production of documents at or in relation to hearings. 42 CFR § 460.46 (making Social Security Act § 1128A, 42 U.S.C. § 1320a-7a (other than (a) & (b) applicable); 42 U.S.C. § 1320a-7a(j) (incorporating by reference Social Security Act §205(d) & (e), 42 U.S.C. § 405(d) & (e)).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 CFR § 460.46 (making Social Security Act § 1128A, 42 U.S.C. § 1320a-7a (other than (a) & (b) applicable); 42 U.S.C. § 1320a-7a(j) (incorporating by reference Social Security Act §205(d) & (e), 42 U.S.C. § 405(d) & (e)).</p>		
<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Social Security Act §§ 1102, 1861, 1871, 42 U.S.C. §§ 1302, 1395x, 1395hh.</p> <p>42 CFR Chapter IV, CMS, Subchapter G, Standards & Certification, Part 485, Conditions of Participation: Specialized Providers, Subpart B, Conditions of Participation: Comprehensive Outpatient Rehabilitation</p>	<p>In a hearing with respect to an appeal by an entity of a determination by CMS, denying or terminating the provider’s participation in the Medicare program as a comprehensive outpatient rehabilitation facility (“CORF”), an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 485.74 (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 485.74 (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 485.74 (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>

	Facilities, § 485.74.				
Department of Health and Human Services* Office of the General Counsel Departmental Appeals Board	Social Security Act §§1102, 1138, 1871, 42 U.S.C. §§ 1302, 1320b-8, 1395hh. 42 CFR, Chapter IV, CMS, Subchapter G, Standards and Certification, Part 486, Conditions for Coverage of Specialized Services Furnished by Suppliers, Subpart G, Conditions of Coverage: Organ Procurement Organizations, § 486.316(b).	In a hearing with respect to an appeal by an organization of a determination by CMS, denying the organization's application to be the designated organ procurement organization ("OPO") for its service area, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 486.316(b) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).	In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.	A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 486.316(b) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).	The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 486.316(b) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).
Department of Health and Human Services* Office of the General Counsel Departmental Appeals Board	Social Security Act §§ 1102, 1138, 1871, 42 U.S.C. §§ 1302, 1320b-8, 1395hh. 42 CFR, Chapter IV, CMS, Subchapter G, Standards and Certification, Part 486, Conditions for Coverage of Specialized Services Furnished by Suppliers, Subpart G, Conditions of Coverage: Organ Procurement Organizations, § 486.325(c).	In a hearing with respect to an appeal by an organ procurement organization ("OPO") of a determination by CMS, terminating an agreement, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 486.325(c) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).	In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.	A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 486.325(c) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).	The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 486.325(c) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).
Department of Health and Human Services*	Social Security Act §§ 1102, 1128, 1871, 42 U.S.C. §§ 1302, 1320a-7, 1395hh.	In a hearing with respect to an appeal by an institution or agency of a determination by CMS (1) that it does not qualify for	In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District	A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the	The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 488.24(c) (incorporating by

<p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>42 CFR, Chapter IV, CMS, Subchapter G, Standards and Certification, Part 488, Survey, Certification & Enforcement Procedures, Subpart A, General Provisions, § 488.24(c).</p>	<p>participation or coverage because it is not in compliance with the conditions of participation or conditions of coverage, or (2) terminating a provider's agreement for that reason, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 488.24(c) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>	<p>Court. Social Security Act § 1128, 42 U.S.C. § 1320a-7 (incorporating by reference Social Security Act § 205, 42 U.S.C. § 405).</p>	<p>date set for the hearing. 42 CFR § 488.24(c) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).</p>	<p>reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>
<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Social Security Act §§ 1102, 1819, 1871, 1919, 42 U.S.C. §§ 1303, 1395i-3, 1395hh, 1396r.</p> <p>42 CFR, Chapter IV, CMS, Subchapter G, Standards and Certification, Part 488, Survey, Certification & Enforcement Procedures, Subpart E, Survey & Certification of Long-term Care Facilities, §488.330(e)(3).</p>	<p>In a hearing with respect to an appeal by certain providers (State-operated facilities, skilled nursing facilities (SNFs) and dually participating SNFs, and other facilities subject to a CMS validation survey or CMS review of a State's findings) of a denial of participation or certification of noncompliance leading to an enforcement remedy (including termination of the provider agreement, but except State monitoring), an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 488.330(e)(3) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 488.330(e)(3) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 488.330(e)(3) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>
<p>Department of</p>	<p>Social Security Act</p>	<p>In a hearing with respect to</p>	<p>In event of refusal to</p>	<p>A party must file a</p>	<p>The subpoena must be</p>

<p>Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>§§ 1102, 1819, 1871, 1919, 42 U.S.C. §§ 1302, 1395i-3, 1395hh, 1396r.</p> <p>42 CFR, Chapter IV, CMS, Subchapter G, Standards and Certification, Part 488, Survey, Certification & Enforcement Procedures, Subpart E, Survey & Certification of Long-term Care Facilities, §488.330(e)(4).</p>	<p>a State’s denial of participation, termination of provider agreement, or certification of noncompliance leading to an alternative remedy (except State monitoring) with respect to a non-State operated Medicaid nursing facility (FN) which has not received a CMS validation survey or a CMS review of the State’s findings, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 488.330(e)(4) (incorporating by reference 42 CFR Part 431); § 431.153(g)(1) & (h) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>	<p>obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 488.330(e)(4) (incorporating by reference 42 CFR Part 431); 42 CFR § 431.153(g)(1) & (h) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).</p>	<p>reasonably necessary for the full presentation of the case. 42 CFR § 488.330(e)(4) (incorporating by reference 42 CFR Part 431); 42 CFR § 431.153(g)(1) & (h) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>
<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Social Security Act §§ 1861, 1864, 1866, 1871, 42 U.S.C. §§ 1395k, 1395aa, 1395cc, 1395hh.</p> <p>42 CFR, Chapter IV, CMS, Subchapter G, Standards and Certification, Part 489, Provider Agreements & Supplier Approval, Subpart E, Termination of Agreement & Reinstatement After Termination, § 489.53(d).</p>	<p>In a hearing with respect to an appeal of a termination of a provider agreement by CMS pursuant to 42 CFR § 489.53(a) or (b), an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 489.53(d) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 489.53(d) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(b).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 489.53(d) (incorporating by reference 42 CFR Part 498); 42 CFR § 498.58(a).</p>

<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Clinical Laboratories Improvement Act of 1988, Public Health Service Act § 353, 42 U.S.C. § 263a; Social Security Act §§ 1846, 1861, 1902, 42 U.S.C. §§ 1395w-2, 1395x, 1396a.</p> <p>42 CFR Chapter IV, CMS, Subchapter G, Standards & Certification, Part 493, Laboratory Requirements, Subpart R, Enforcement Procedures, § 493.1844(a)(2) & (b).</p>	<p>In a hearing with respect to an appeal of a laboratory dissatisfied with (a) suspension, limitation or revocation of its CLIA certificate by CMS for noncompliance with CLIA requirements, (b) denial of a CLIA certificate, (c) imposition of alternative sanctions, or (d) denial or cancellation of a laboratory's approval to receive Medicare payments for services, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 493.1844(a)(2) & (b) (incorporating by reference 42 CFR Part 498, Subpart D); 42 CFR § 498.58(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 493.1844(a)(2) (incorporating by reference 42 CFR Part 498, Subpart D); 42 CFR § 498.58(b).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 493.1844(a)(2) (incorporating by reference 42 CFR Part 498, Subpart D); 42 CFR § 498.58(a).</p>
<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Clinical Laboratories Improvement Act of 1988, Public Health Service Act § 353, 42 U.S.C. § 263a; Social Security Act §§ 1846, 1861, 1902, 42 U.S.C. §§ 1395w-2, 1395x, 1396a.</p> <p>42 CFR Chapter IV, CMS, Subchapter G, Standards & Certification, Part 493, Laboratory Requirements, Subpart R, Enforcement Procedures, §493.1844(a)(2), (e)(1) &</p>	<p>In a hearing with respect to an appeal of a prospective lab dissatisfied with a reconsidered or a revised reconsidered determination regarding denial of a CLIA certificate or of approval for Medicare payment for services, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR § 493.1844(a)(2), (e)(1) & (e)(3) (incorporating by reference 42 CFR Part 498, Subpart D); 42 CFR § 498.58(a).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 493.1844(a)(2) & (e)(3) (incorporating by reference 42 CFR Part 498, Subpart D); 42 CFR § 498.58(b).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 493.1844(a)(2) & (e)(3) (incorporating by reference 42 CFR Part 498, Subpart D); 42 CFR § 498.58(a).</p>

	(e)(3).				
<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Social Security Act §§ 1128, 1128A, 1156, 1866, 1819, 1891, 42 U.S.C. §§ 1320a-7 & 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1320c-5, 1395cc, 1395i-3, 1395bbb.</p> <p>42 CFR Chapter IV, CMS, Subchapter G, Standards and Certification, Part 498, Appeal Procedures for Determinations that Affect Participation in the Medicare Program and for Determinations that Affect the Participation of ICFs/MR and Certain NFs in the Medicaid Program, Subpart D, Hearings, § 498.58(a), (b) & (d).</p>	<p>In holding a hearing with respect to an appeal of a determination that affects (1) participation in the Medicare program of a (a) prospective provider, (b) provider, (c) prospective supplier, (d) supplier, (e) physical therapist in independent practice, (f) chiropractor, (g) nonparticipating hospital that furnishes emergency services, or (h) suspended or excluded practitioner, provider, or supplier, or (2) participation of Intermediate Care Facilities for the Mentally Retarded (ICFs/MR) or certain Nursing Facilities (NFs) in the Medicaid program, an administrative law judge may issue subpoenas upon his own motion or at the request of a party. 42 CFR §§ 498.58(a), 498.5(a), (b), (d), (e), (g)-(k).</p>	<p>In event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 U.S.C. §§ 1320a-7, 1320a-7a (both incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)), 1396q.</p>	<p>A party must file a written request for a subpoena with the administrative law judge at least 5 days prior to the date set for the hearing. 42 CFR § 498.58(b).</p> <p>The request must identify the witnesses or documents to be produced and specify the pertinent facts that the party expects to establish by the witnesses or documents and why those facts could not be established without the use of a subpoena. 42 CFR § 498.58(d).</p>	<p>The subpoena must be reasonably necessary for the full presentation of the case. 42 CFR § 498.58(a).</p>
<p>Department of Health and Human Services*</p> <p>Office of the General Counsel</p> <p>Departmental Appeals Board</p>	<p>Social Security Act § 1128A(j), 42 U.S.C. § 1320a-7a(j) (incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)).</p> <p>42 CFR, Chapter V, Office of the Inspector General—Health Care,</p>	<p>In the course of a proceeding by which a party appeals an exclusion, civil money penalty, and/or assessment, an administrative law judge has the authority to issue subpoenas requiring the attendance of witnesses at hearings and the production of documents at or in</p>	<p>In the event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court. 42 CFR § 1005.9(i) (incorporating by reference Social Security Act § 205(e), 42 U.S.C. § 405(e)).</p>	<p>A party seeking a subpoena for the appearance of a witness at the hearing and/or the production of documents at or prior to the hearing must file a written motion with the administrative law judge at least 30 days before the date fixed for the hearing. 42 CFR</p>	<p>A subpoena for the appearance and testimony of a witness at a hearing must be reasonably necessary for the presentation of the moving party's case. 42 CFR § 1005.9(a).</p>

	Department of Health & Human Services, Subchapter B, OIG Authorities, Part 1005, Appeals of Exclusions, Civil Money Penalties and Assessments, §§ 1005.4, 1005.9.	relation to hearings. 42 CFR § 1005.4.		§ 1005.9(a)-(d). The written motion must specify the evidence to be produced and designate the witnesses. 42 CFR § 1005.9(d). The person to whom the subpoena is directed may file a motion to quash the subpoena within 10 days of service thereof. 42 CFR § 1005.9(h).	
Department of Health and Human Services Office of the General Counsel Office of the Inspector General	Social Security Act § 1128A(j), 42 U.S.C. § 1320a-7a(j) (incorporating by reference Social Security Act § 205(d) & (e), 42 U.S.C. § 405(d) & (e)). 42 CFR, Chapter V, Office of Inspector General–Health Care, Department of Health & Human Services, Subchapter B, OIG Authorities, Part 1006, Investigational Inquiries, §§ 1006.1, 1006.4(f), 1006.5.	With respect to an investigation into false or otherwise improper claims, actionable under Social Security Act § 1128A, 42 U.S.C. § 1320a-7a, the Secretary, through the Inspector General, has the authority to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question. 42 CFR § 1006.1. The Secretary is authorized to delegate, and has delegated, this authority to the Inspector General.	In the event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court where the subpoenaed person is found, resides, or transacts business. 42 U.S.C. § 1320a-7a(j) (incorporating by reference 42 U.S.C. § 405(e)); 42 CFR §§ 1006.4(f), 1006.5.		
Department of Health and Human Services* Office of the General	Program Fraud Civil Remedies Act of 1986, PL 99-509, §§ 6101-04, 31 U.S.C. §§ 3801-3812.	If the Inspector General, as the investigating official, concludes that a subpoena pursuant to 31 U.S.C. § 3804(a) is warranted, relating to an investigation		The subpoena issued by the Inspector General must identify the authority pursuant to which the subpoena is issued, and identify the	A party seeking the attendance and testimony of an individual (and the production of documents by that witness) can

<p>Counsel</p> <p>Office of the Inspector General</p> <p>Departmental Appeals Board</p>	<p>45 CFR Subtitle A, Department of Health & Human Services, Subchapter A, General Administration, Part 79, Program Fraud Civil Remedies, §§79.4(a), 79.18(b)(5), 79.21, 79.23, 79.24.</p>	<p>into the submission of false, fictitious, or fraudulent claims or written statements to the Department, it has the authority to issue the subpoena. 45 CFR § 79.4(a).</p> <p>In hearings with respect to program fraud, administrative law judges can issue subpoenas for the attendance of witnesses and the production of documents at depositions or at hearings. 45 CFR § 79.18(b)(5).</p>		<p>records and documents sought. 42 CFR § 79.4(a)(1).</p> <p>At the hearing stage, the parties must file motions for discovery before the ALJ at least 15 days before the hearing, which includes a copy of the requested discovery and a statement of the scope of the proposed depositions. 45 CFR § 79.21(c) & (d). A party may, within 10 days of service, file an opposition to the motion for discovery or a motion for a protective order. 45 CFR § 79.21(d)(2).</p>	<p>request the ALJ to issue a subpoena. 45 CFR § 79.23(a) & (b). The motion must be filed at least 15 days prior to the date set for the hearing. 45 CFR § 79.23(c).</p> <p>A party or the individual to whom the subpoena is directed may file a motion to quash the subpoena within 10 days after service. 45 CFR § 79.23(f).</p> <p>The ALJ, pursuant to a motion for a protective order, may make any order necessary to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. 45 CFR § 79.24(b).</p>
<p>Department of Housing and Urban Development</p>					
<p>US Department of Housing and Urban Development</p> <p>Finance and Regulatory Enforcement</p>	<p>Interstate Land Sales Full Disclosure Act at 15 U.S.C. § 1714, implemented at 24 CFR part 3800</p>	<p>Empowers the Secretary to investigate for purposes of enforcing the Act, prescribing rules or recommending legislation. Secretary is authorized to issue subpoenas for testimony and documents in connection with an</p>	<p>Enforced by action in U.S. District Court.</p>	<p>Privacy Act, 5 U.S.C. §552a, as applicable, although; a 30-day minimum time for response is customary.</p>	<p>Discretion of administering office.</p>

		investigation.			
US Department of Housing and Urban Development Finance and Regulatory Enforcement	Real Estate Settlement Procedures Act at 12 U.S.C. §2617, implemented at 24 CFR part 3800	Same as above.	Same as above.	Same as above.	Same as above.
US Department of Housing and Urban Development Finance and Regulatory Enforcement	National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. §5413, implemented at 24 CFR part 3800	Same as above.	Same as above	Same as above.	Same as above.
US Department of Housing and Urban Development Office of Inspector General	Inspector General Act of 1978, 5 U.S.C. App. 3, §6	To require the production of all information, documents, reports, records, accounts, papers and other data and documentary evidence necessary to the performance of the functions of the Inspector General under the Act.	Enforced by action in U.S. District Court.	Notification is by service of a copy of the subpoena on the responding party, and the privacy protections include the Privacy Act, supra, the Right to Financial Privacy Act, 12 U.S.C. §3401 <u>et seq.</u> , and the Electronic Communications Privacy Act, Pub. L. 99-508, codified at various sections of the United States Code.	Case law restricts the authority to issue subpoenas to those issued in furtherance of a lawful investigation of the inspector general, and which are reasonably relevant to the inquiry and not overly broad or burdensome.
US Department of Housing and Urban Development	The Fair Housing Act, Sec. 811(a). 42 U.S.C. 3611(a) The Fair Housing Act, Sec. 811(a). 42 U.S.C. 3611(a), implemented by regulation at 24 CFR 103.215 and 180.545.	Authority for issuance of subpoenas to same extent as ordered or served in aid of a civil action in the U.S. District Court for the district in which the investigation is taking place.	Oder of the appropriate U.S. District Court.	The provisions of the F.R.C.P. apply. The protections of persons subject to subpoenas are set forth at Rule 45(c).	It has been the experience of this office that the Department of Justice believes that it can not enforce administrative subpoenas that do not contain the prescribed language of Rule 45(c) and (d). This office has consistently required the

					use of the language of Rule 45(c) and (d) in the administrative subpoenas that it reviews for legal sufficiency.
US Department of Housing and Urban Development	42 U.S.C. 3612(c)	same as above	same as above	same as above	same as above
Department of Housing and Urban Development †	12 U.S.C. §4588	for use in connection with administrative proceedings related to enforcement of housing goals			
Department of Housing and Urban Development (The Secretary)†	12 U.S.C. § 2617	In order to investigate any facts, conditions, practices, or matters that may be deemed necessary or proper to aid in the enforcement of the provisions of the chapter in which the authority is granted, or to secure information to serve as a basis for recommending further legislation concerning real estate settlement practices, the Secretary is authorized to subpoena the attendance and testimony of witnesses and the production of documents.			
Department of the Interior					
US Department of the Interior	Generally: Administrative procedure Act, 5 U.S.C. § 556(c)(2)	The statutory provisions referenced above generally grant authority to presiding	In contract disputes and in Indian probate, surface mining, and program	None.	The procedural regulations include general requirements for

<p>Branch of General Legal Services, Division of General Law</p> <p>Office of Hearings and Appeals</p>	<p>43 C.F.R. § 4.26</p> <p>Contract disputes: Contract Disputes Act, 41 U.S.C. § 610 43 C.F.R. §4.120</p> <p>Indian probate cases: Act of Aug. 1, 1914, 25 U.S.C. § 374 43 C.F.R. § 4.230(b)</p> <p>Native American Graves Protection and Repatriation cases: 25 U.S.C. 3007 32 C.F.R. §229</p> <p>Public land cases: Act of Jan. 31, 1903, 43 U.S.C. §§ 102-106 43 C.F.R. §§ 4.423, 4.433, 4.452-4 & 4.472(a)</p> <p>Surface mining cases: Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1211(c)(1), 1271 (c) 43 C.F.R. § 4.1121(a)(2)</p> <p>Program fraud cases: Program Fraud Civil Remedies Act, 31 U.S.C. § 3804 43 C.F.R. §§ 35.18(b)(5),</p>	<p>officers to issue subpoenas in connection with administrative proceedings, in accordance with the agency’s published regulations. The Department of the Interior has published regulations to govern proceedings conducted before administrative law judges and boards of contract appeals judges. These regulations, also referenced above, describe the authority of the judges to issue subpoenas to compel the attendance of witnesses, and to take and cause depositions to be taken for the purpose of taking testimony. Some regulations also grant subpoena authority to require persons to produce documents 43 C.F.R. §§ 4.120, 35.18, 35.21.</p>	<p>fraud cases, the agency can request that the Attorney General file a petition in U.S. District Court to enforce a subpoena issued by the presiding officer. In public lands cases, the wilful refusal to comply with a subpoena may be punished as a misdemeanor. (See citations under paragraph 1 above).</p>		<p>requesting, issuing, and service of subpoenas.</p>
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	35.21 & 35.23				
<p>US Department of the Interior</p> <p>Division of Land and Water and Division of Parks and Wildlife U.S. Department of the Interior Office of the Solicitor</p>	<p>Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(e), Pub. L. No. 96-510, Dec. 11, 1980, 94 Stat 2767, and amendatory acts, codified at 42 U.S.C. 9604(e)(5) (“Information gathering and access, compliance orders”).</p> <p>Executive Order 12580, 52 Fed. Reg. 2923 (Jan. 23, 1987), Sec. 2(j)(1) (delegating CERCLA section 104(e)(5)(A) compliance order authority to the Secretary of the Interior, to be exercised with the concurrence of the Attorney General, with respect to hazardous substance releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody, or control of the Department of the Interior; and Sec. 2(j)(2) (subject to (j)(1), delegating CERCLA section 104(e) authority to the Secretary of the Interior with respect to the same releases described in (j)(1)).</p>	<p>Authority to issue an order directing compliance with a CERCLA section 104(e) request for information concerning the identification, nature, and quantity of certain materials, the nature or extent of a release or threatened release of a hazardous substance, or information relating to the ability of a person to pay or to perform a cleanup.</p>	<p>The Secretary may ask the Attorney General to commence a civil action to compel compliance with a request or order issued under CERCLA section 104(e)(5)(A).</p>	<p>The order may be issued after such notice and opportunity for consultation as is reasonably appropriate under the circumstances. CERCLA section 104(e)(5)(A).</p>	<p>The Secretary is authorized to issue orders "only if there is a reasonable basis to believe that there may be a release or threat of release of a hazardous substance or pollutant or contaminant" from a facility. CERCLA section 104(e)(1), 42 U.S.C. section 9604(e)(1). In addition, the authority under section 104(e) may be exercised only for the purposes of determining the need for response, or choosing or taking any response action under CERCLA, or otherwise enforcing the provisions of CERCLA. <u>Id.</u></p>

	<p>Through Executive Order 12580, <u>supra</u>, Sec. 1(c), and 40 C.F.R. 300.600, the President has designated the Secretary of the Interior as a Federal trustee for natural resources, pursuant to CERCLA sec. 107(f)(2)(A), 42 U.S.C. 9607(f)(2)(A).</p>				
<p>US Department of the Interior</p> <p>Bureau of Indian Affairs - through SOL-DIA</p>	<p>Courts of Indian Offenses Civil procedure: 25 C.F.R. § 11.503</p> <p>Further, there are regulations which mandate compulsory production of documents/information to the BIA, though they are not technically subpoenas.</p> <p>Under the Indian Trader License Statute regulations:</p> <p>25 C.F.R. § 140.22 - Inspection of traders' prices - traders shall on request submit business information as requested</p>	<p>The Court shall follow the Federal Rules of Civil Procedure in civil cases - except where such procedures are superseded by Court of Indian Offenses orders or inconsistent rules of tribal procedure.</p> <p>The Federal Rules of Civil Procedure define subpoena authority in Rule 45. A subpoena will serve as a command to produce evidence or to permit inspection or to command an appearance, and may be issued jointly or separate. A subpoena to command attendance shall issue from the court for the district in which the hearing or trial is to take place. Similarly, one commanding production of evidence shall issue from the court</p>	<p>Failure to comply may be deemed to be contempt of the court from which the subpoena issued.</p>	<p>Compliance with the Federal Rules of Civil Procedure - Rule 45</p>	<p>Compliance with the Federal Rules of Civil Procedure - Rule 45.</p>

		for the district where production or inspection is to occur.			
<p>US Department of the Interior</p> <p>Office of the Solicitor, Division of Mineral Resources, (for Minerals Management Service)</p>	<p>Royalty Simplification and Fairness Act (RSFA), Pub. L. 104-185 (1996) <i>(as corrected by</i> Pub. L. 104-200), 30 U.S.C. § 1724(d).</p>	<p>RSFA Section 1724(d)(2)(B), gives the DOI the power to issue administrative subpoenas for a lessee of Federal oil and gas leases “to produce records necessary to determine the proper reporting and payment of an obligation due the Secretary .”</p>	<p>No specific enforcement authority. However, RSFA amends the Federal Oil and Gas Management Act (FOGRMA), and FOGRMA provides enforcement authority as follows:</p> <p>(b) In case of refusal to obey a subpoena served upon any person under this section, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Attorney General at the request of the Secretary and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary. Any failure to obey such order of the court may be punished by such court as contempt thereof and subject to a penalty of up to \$10,000 a day. 30 U.S.C. § 1717. To date, we have not litigated</p>	<p>Section 1724(d)(2)(B)(ii) provides that a subpoena may only be issued</p> <p>[A]fter the Secretary or a delegated State has in writing requested the records from the lessee or its designee related to the obligation which is the subject of the subpoena and has determined that--</p> <p>(I) the lessee or its designee has failed to respond within a reasonable period of time to the Secretary's or the applicable delegated State's written request for such records necessary for an audit, investigation or other inquiry made in accordance with the Secretary's or such delegated State's responsibilities under this Act; or</p> <p>(II) the lessee or its designee has in writing denied the Secretary's or the applicable delegated State's written request to produce such records in the lessee's or its designee's possession or control necessary for an</p>	<p>Only applies to Federal Oil and Gas leases.</p> <p>Section 1724(d)(2)(B)(i) states only the following entities may issue a subpoena: (1) an Assistant Secretary; (2) an Acting Assistant Secretary who is a schedule C employee (as defined by section 213.3301 of title 5, Code of Federal Regulations); (3) the Director or Acting Director of the respective bureau or agency; or (4) if a State has been delegated authority pursuant to section 205, the highest State official having ultimate authority over the collection of royalties from Federal leases within the State the State. The authority may not be delegated to any other person.</p> <p>Section 1724(d)(2)(B)(ii) provides that a subpoena may only be issued during the 7 year limitations period provided under Section 1724(b).</p>

			<p>whether FOGRMA Section 1717 provides subpoena enforcement authority for RSFA Section 1724(d).</p>	<p>audit, in investigation or other inquiry made in accordance with the Secretary's or such delegated State's responsibilities under this Act; or</p> <p>(III) the lessee or its designee has unreasonably delayed in producing records necessary for an audit, investigation or other inquiry made in accordance with the Secretary's or the applicable delegated State's responsibilities under this Act after the Secretary's or delegated State's written request.</p> <p>Section 1724(d)(2)(C) provides that the Secretary or the applicable delegated State must give the lessee a reasonable period of time after a written request to provide records prior to the issuance of any subpoena.</p>	
<p>US Department of the Interior</p> <p>Office of the Solicitor, Division of Mineral Resources, (for Minerals</p>	<p>Federal Oil and Gas Management Act (FOGRMA), Pub. L. No. 97-451, and 30 U.S.C. § 1717.</p>	<p>FOGRMA section 107, 30 U.S.C. § 1717, gives the DOI various compulsory authorities in connection with its audit and enforcement responsibilities, including</p>	<p>FOGRMA section 107, 30 U.S.C. § 1717, also provides enforcement authority as follows:</p> <p>(b) In case of refusal to obey a subpoena served</p>	<p>None.</p>	<p>Only applies to Indian Oil and Gas leases.</p>

<p>Management Service)</p>		<p>the power to issue administrative subpoenas. Section 107 provides in pertinent part:</p> <p>(a) In carrying out his duties under this Act the Secretary may conduct any investigation or other inquiry necessary and appropriate and may conduct, after notice, any hearing or audit, necessary and appropriate to carrying out his duties under this Act. In connection with any such hearings, inquiry, investigation, or audit, the Secretary is also authorized where reasonably necessary -</p> <p>...</p> <p>(3) to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, production and financial records, documents, matter, and materials, as the Secretary may request;</p>	<p>upon any person under this section, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Attorney General at the request of the Secretary and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary. Any failure to obey such order of the court may be punished by such court as contempt thereof and subject to a penalty of up to \$10,000 a day.</p>		
<p>US Department of the Interior</p> <p>Office of the Inspector General Department of the Interior</p>	<p>Inspector General Act of 1978, Public Law No. 95-452, 5 U.S.C. App. 3 [This is the same authority exercised by other Inspectors General]. Specifically, I.G. subpoena authority stems from 5 U.S.C. App. 3 § 6(a)(4).</p>	<p>Administrative subpoena authority is generally recognized as limited to <i>subpoena duces tecum</i>. The statutory language provides as follows:</p> <p>Each Inspector General . . . is authorized . . . to require by subpoena the production</p>	<p>In the event of refusal to obey, a court order may be obtained through petition to enforce filed in the appropriate U.S. district court.</p>	<p>None specific to the Inspector General Act; statutory notification requirements are followed for Inspector General subpoenas issued pursuant to the Right to Financial Privacy Act of 1978, 12 U.S.C. §§ 3413 & 3421.</p>	<p>The Office of the Inspector General has established within the office various policies and procedures regarding subpoena request and issuance.</p>

	<p>The Department of Justice authority to prosecute subpoena enforcement actions on behalf of the IGs stems from DOJ's charter to conduct litigation in which the U.S. is interested. That authority appears generally in 28 U.S.C. Ch. 31 and particularly at 28 U.S.C. §§ 516-519.</p>	<p>of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court:</p> <p><i>Provided, That procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal agencies.</i></p>			
<p>US Department of the Interior</p> <p>Office of the Solicitor, Division of Mineral Resources</p>	<p>Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. No, 95-87, 30 U.S.C. §§1211(c)(1), 1264(e).</p> <p>30 C.F.R. §§764.17, 769.17, 775.11(b)(3)(i), and 800.40(g)</p> <p>43 C.F.R. §§ 4.1121(a)(2), 4.1121(a)(3).</p>	<p>SMCRA gives both the Secretary, acting through OSM, 30 U.S.C. §§1211(c)(1), and regulatory authorities, 30 U.S.C § 1264(e), the power to issue subpoenas, to compel the attendance of witnesses and the production of written or printed material. The Secretary's regulation at 43 C.F.R. §§ 4.1121(a)(2) authorizes ALJs to issue administrative subpoenas for hearings. The Secretary's regulation at 4.1121(a)(3) gives ALJs</p>	<p>The agency has taken the position that all subpoenas (investigative, hearing, and deposition subpoenas) qualify as "orders of the Secretary." Pursuant to 30 U.S.C. § 1271(c), the Secretary is authorized "to request the Attorney General to institute a civil action for relief...whenever [a] permittee or his agent (A) fails or refuses to comply with any order issued by the Secretary under this Act... or (E) refuses to furnish any</p>	<p>SMCRA contains no notification requirements for subpoenas. However, notification is given via personal service of the subpoena consistent with Rule 4 of the Federal Rules of Civil Procedure. Discovery proceedings before the Office of Hearings and Appeals ("OHA") are covered by the Secretary's regulations at 43 C.F.R. §4.1130 through 4.1141. It is our understanding that documents or testimony subpoenaed are</p>	<p>The standards, qualifiers and procedures for investigative subpoenas are controlled by an OSM directive dated October 19, 1993 entitled "Subpoenas to Compel the Attendance of Witnesses, the Production of Written or Printed Material, or Both."</p> <p>The standards, qualifiers and procedures for hearing subpoenas are controlled by the ALJ pursuant to 43 C.F.R. §§ 4.1121(a)(2) and 4.1121(a)(3).</p>

		<p>authority to “issue appropriate orders relating to discovery.” The Secretary is authorized under 30 U.S.C. § 1211(c)(1) to “make those investigations and inspections necessary to ensure compliance with this Act.” It is this power that authorizes the use/issuance of investigative subpoenas.</p>	<p>information or report requested by the Secretary in furtherance of this Act, or (F) refuses to permit access to, and copying of, such records as the Secretary determines necessary....” The agency has further taken the position that the “any other appropriate order” language of Section 1271(c) is broad enough to authorize enforcement of subpoenas to people other than permittees or their agents. However, to our knowledge no court has ruled on this issue.</p>	<p>public records, except where SMCRA provides for confidentiality (such as “trade secret and pricing information covered at 30 C.F.R. § 870.16(c), which references protection to the extent authorized by the Privacy Act and the Freedom of Information Act (5 U.S.C. § 552(a),(b)).</p>	
<p>US Department of the Interior Office of the Solicitor</p>	<p>Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 122(e)(3)(B), 42 U.S.C. section 9622(e)(3)(B)(“Collection of Information”). Executive Order 12580, 52 Fed. Reg. 2923 (Jan. 23, 1987), section 4(b) (delegating CERCLA section 122 authority to the Secretary of the Interior with respect to releases or threatened releases at facilities not on the National Priorities List (NPL) where the release is on or the sole source of the release is</p>	<p>Authority to collect information necessary or appropriate to prepare non-binding preliminary allocations of responsibility in CERCLA actions, or for otherwise implementing section 122 of CERCLA (“Settlements”). Authority to require the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions, and other information that Interior deems necessary. Section 122(e)(3)(B).</p>	<p>Section 122(e)(3)(B) provides that “in the event of contumacy or failure or refusal of any person to obey any such subpoena,” any district court in which venue is proper shall have jurisdiction to order any such person to comply with such subpoena.</p>	<p>Section 122 provides generally for notice to responsible parties of their potential liability under CERCLA.</p>	<p>Section 122(e)(3)(A) requires the development of guidelines for preparing nonbinding preliminary allocations of responsibility. The President may provide a nonbinding preliminary allocations of responsibility, after completion of the remedial investigation/feasibility study, “when it would expedite settlements under this section and remedial action.” Section 122(e)(3)(A). The non-binding allocation shall not be admissible as evidence in any</p>

	from any facility under the jurisdiction, custody or control of the Department of the Interior). The authority may be exercised only with the concurrence of the Attorney General.				proceeding, and no court shall have jurisdiction to review the nonbinding allocation of responsibility. Section 122(e)(3)(C). Interior can only exercise this authority with the concurrence of the Attorney General. Executive Order 12580, section 4(b).
Department of the Interior†	16 U.S.C. § 470ff	Archaeological resources protection			
Department of the Interior†	43 U.S.C. § 1619	Alaska native claims settlement			
Department of the Interior†	25 U.S.C. § 3007	Native Americans Graves Protection and Repatriation			
Department of the Interior†	30 U.S.C. § 1735	Upon written request of any State, the Secretary is authorized to delegate authority to any State with respect to all Federal land within the State.			
Department of Energy & Department of the Interior†	42 U.S.C. § 6381	Energy database and energy information			
Department of Labor					
Department of Labor	Employee Retirement Income Security Act, P. L. 93-406, 29 U.S.C. 1134(c)	“For the purposes of any investigation provided for in this title, the provisions of §§9 and 10 (relating to the attendance of witnesses	If a subpoena needs enforcement, it is referred to the Office of the Solicitor who then takes the appropriate	29 CFR Parts 70-71 (general DOL regulations governing privacy and disclosure of information or materials)	The Secretary may not subpoena the books and records of any employee benefit plan more than once in a 12-month period

		<p>and the production of books, records, and documents) of the Federal Trade Commission Act (15 U.S.C. 49, 50) are hereby made applicable (without regard to any limitation in such sections respecting persons, partnerships, banks, or common carriers) to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.”</p>	<p>steps to file an action in the appropriate United States District Court. Generally, the Department simply seeks to compel the respondent to appear for the deposition or comply with the request for documents contained in the administrative subpoena.</p>	<p>In most cases, the subpoenas will demand production of documents within thirty days. In some circumstances, the time period is shorter or longer, e.g., statute of limitations considerations, the respondent is represented by an attorney who agrees to take service, and sets a particular date for compliance. PWBA does not “notify targets” or potential defendants that administrative subpoenas have been served on others.</p> <p>PWBA abides by the requirements set forth under the Right to Financial Privacy Act where appropriate, (e.g., not involving the assets of an employee benefit plan—an entity not covered by the RFPA) and by any other privacy or confidentiality requirements that may apply.</p>	<p>unless the Secretary has reason to believe that a violation of ERISA may exist. (29 U.S.C. 1134(b).)</p> <p>The Secretary of Labor has delegated the authority to issue subpoenas to the Assistant Secretary of Pension and Welfare Benefits. The Assistant Secretary has re-delegated this authority to the Director of Enforcement and to the Regional Directors of the Pension and Welfare Benefits Administration (PWBA).</p> <p>PWBA Regional Directors execute and issue administrative subpoenas. They may also re-delegate that authority to other regional office personnel.</p> <p>The Office of the Solicitor of Labor reviews all subpoenas, except for accommodation subpoenas. All subpoenas, including accommodation subpoenas, must be approved by Office of the Solicitor, if someone other than a Regional Director or Associate</p>
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Department of Labor	<p>Fair Labor Standards Act (FLSA), [June 25, 1938, ch. 676, Sec. 9, 52 Stat. 1065; 1946 Reorg. Plan No. 2, Sec. 1(b), eff. July 16, 1946, 11 F.R. 7873, 60 Stat. 1095], 29 U.S.C. 209</p>	<p>“For the purpose of any hearing or investigation provided for in this chapter, the provisions of sections 49 and 50 of title 15 (relating to the attendance of witnesses and the production of books, papers, and documents), are made applicable to the jurisdiction, powers, and duties of the Administrator, the Secretary of Labor, and the industry committees.” 29 U.S.C. 209</p> <p>“The Administrator or his designated representatives may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any industry subject to this</p>	<p>“And in case of disobedience to a subpoena the [Secretary/Administrator/Committees] may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts ... may, in case of contumacy or refusal to obey a subpoena ... issue an order requiring such person, partnership, or corporation to appear before the [Secretary/Administrator/Committees], or to produce documentary evidence ..., or to give evidence touching the</p>	<p>CFR Parts 70-71 (general DOL regulations governing privacy and disclosure of information or materials)</p> <p>Other privacy/notification requirements, including the Right to Financial Privacy Act, Trade Secrets Act, or HHS Medical Privacy regulations, may apply in some cases.</p>	<p>DOL Employment Standards Administration’s Wage and Hour Division’s Field Operations Handbook, Section 86b</p>

		chapter, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this chapter, or which may aid in the enforcement of the provisions of this chapter.” (29 U.S.C. 211)	matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.” 15 U.S.C. 49, incorporated into 29 U.S.C. 209.29		
Department of Labor	Family Medical Leave Act, P. L. 103-3, 29 U.S.C. 2616	<p>“For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided for under section 209 of this title.” [Section 209 refers to the Fair Labor Standards Act, discussed above.]</p> <p>Employers are required to keep certain records and to disclose them to the Secretary upon her request. 29 C.F.R. 825.500</p>	<p>“And in case of disobedience to a subpoena the [Secretary/Administrator/Committees] may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts ... may, in case of contumacy or refusal to obey a subpoena ... issue an order requiring such person, partnership, or corporation to appear before the [Secretary/Administrator/Committees], or to produce documentary evidence ..., or to give evidence touching the matter in question; and</p>	29 CFR Parts 70-71 (general DOL regulations governing privacy and disclosure of information or materials)	Other privacy/notification requirements, including the Right to Financial Privacy Act, Trade Secrets Act, or HHS Medical Privacy regulations, may apply in some cases.

			any failure to obey such order of the court may be punished by such court as a contempt thereof.” 15 U.S.C. 49, incorporated into 29 U.S.C. 209.		
Department of Labor	Federal Employees Compensation Act, ch. 458, 39 Stat. 742 (1916), 5 U.S.C. 8126, 20 CFR 10.619	“The Secretary of Labor, on any matter within his jurisdiction under this subchapter, may - (1) issue subpoenas for and compel the attendance of witnesses within a radius of 100 miles...(4) require the production of books, papers, documents, and other evidence. “	5 U.S.C. 8125 states that if a person "disobeys or resists a lawful order or process in proceedings under this subchapter before the Secretary of Labor" the Secretary or his representative must “certify the facts to the district court having jurisdiction in the place where he is sitting. The court must, in a summary manner, hear evidence as to the acts complained of and if the evidence warrants, punish the individual in the same manner and to the same extent as for a contempt committed before the court or commit the individual on the same conditions as if the forbidden act had occurred with reference to the process of or in the presence of the court.”	29 CFR Parts 70-71 (general DOL regulations governing privacy and disclosure of information or materials) 20 CFR 10.10 Other privacy/notification requirements, including the Right to Financial Privacy Act, Trade Secrets Act, or HHS Medical Privacy regulations, may apply in some cases.	Federal (FECA) Procedure Manual, Part 2 -- Claims, <i>Hearings and Review of the record</i> Chapters 2-1601-6(f) & 2-1608-8(e) (January 1999) (copy attached). [http://www.nfoweb.com/cgi-bin/om_isapi.dll?clientID=14985&infobase=dol-14&softpage=ref_MainView]
Department of Labor	Federal Mine Safety and Health Act of 1977, P. L. 95-164, 30 U.S.C. § 813(b), 30 CFR §44.26	“For the purpose of making any investigation of any accident or other occurrence relating to health or safety in a coal or other mine, the Secretary	“In case of contumacy in refusal to obey a subpoena served upon any person under this section, the district court of the United States for	No overriding standards or procedures. Specific procedures are sometimes developed for purposes of specific hearings.	

		<p>may, after notice, hold public hearings, and may sign and issue subpoenas for the attendance and testimony of witnesses and the production or relevant papers, books, and documents, and administer oaths.”</p> <p>Federal courts have long recognized that the subpoena power of the Secretary under this and the predecessor Federal Coal Mine Health and Safety Act of 1969 (P. L. 91-173) is limited to public hearing settings, <i>United States v. Blue Diamond Coal Co.</i> 667 F2d 510, 519 (6th Cir. 1981); <i>UMWA v. Martin</i>, 785 F. Supp. 1025,1027 footnote 1 (DDC. 1992). Thus, it is clear both from the wording of the statute and the court interpretations that the subpoena power of the Mine Act is limited to investigatory public hearings being conducted by the Secretary.</p>	<p>any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary to appear and produce documents before the Secretary or both, any failure to obey such order of the court may be punished by such court as a contempt thereof.” (30 U.S.C. 813) 29 CFR Parts 70-71 (general DOL regulations governing privacy and disclosure of information or materials)</p> <p>Other privacy/noti fication requirements, including the Right to Financial Privacy Act, Trade Secrets Act, or HHS Medical Privacy regulations, may apply in some cases.</p>		
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<p>Department of Labor</p>	<p>Inspector General Act of 1978, P. L. 95-452, 5 U.S.C. App. 3, section 6</p>	<p>The Act gives the Inspector General authority to subpoena documents, reports, answers, records, accounts, papers and other data and documentary evidence necessary to carry out its functions. It does not provide testimonial subpoena authority. Additionally it provides that procedures other than subpoenas be used to obtain information and documents from Federal agencies.</p>	<p>Enforcement is by the Attorney General, at the request of the Inspector General, in US District Court. No specific sanctions.</p>	<p>No notification requirements in the IG Act.</p> <p>The Right to Financial Privacy Act and certain Medical Privacy provisions may apply to Inspector General subpoenas. These contain notification provisions.</p>	<p>Only the Inspector General or the Deputy Inspector General at the Department of Labor have authority to issue subpoenas. OIG has internal procedures relating to issuance of subpoenas; these are currently undergoing revision and are not available. OIG has no regulations or published procedures.</p>
<p>Department of Labor</p>	<p>Labor Management Reporting and Disclosure Act, P. L. 86-257, 29 U.S.C. 521(b).</p>	<p>“For the purpose of any investigation provided for in this chapter, the provisions of sections 49 and 50 of title 15 (relating to the attendance of witnesses and the production of books, papers, and documents), are made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.”</p>	<p>Enforcement is by the Attorney General, at the request of the Secretary of Labor, in US District Court. 29 U.S.C. 521, incorporating 15 U.S.C. 49.</p>	<p>29 CFR Parts 70-71 (general DOL regulations governing privacy and disclosure of information or materials)</p> <p>Other privacy/notification requirements, including the Right to Financial Privacy Act, Trade Secrets Act, or HHS Medical Privacy regulations, may apply in some cases.</p>	<p>Employment Standards Administration/Office of Labor Management Standards’ Operation Manual, Chapter 39 [copy attached]</p>
<p>Department of Labor</p>	<p>Longshore and Harbor Workers Compensation Act, ch. 509, 44 Stat.</p>	<p>“The deputy commissioner or Board shall have power to preserve and enforce</p>	<p>Section 27(b) of the Longshore Act, 33 U.S.C. § 927(b), sets</p>	<p>29 CFR Parts 70-71 (general DOL regulations governing privacy and</p>	<p>District Director: The Longshore and Harbor Workers' Compensation</p>

	<p>1424 (1927), 33 U.S.C. 927(a)</p> <p>Coverage of the LHWCA has been extended under other federal statutes to cover other injured employees including: certain persons employed at military, air and naval bases outside the United States pursuant to the Defense Base Act, ch. 357 55 Stat. 622 (1941), 42 U.S.C. § 1651 <i>et seq.</i>; civilian employees of military exchanges under the Nonappropriated Fund Instrumentalities Act ch. 444, 66 Stat. 139 (1952), 5 U.S.C. § 8171 and; employees working on the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act. ch. 345, 67 Stat. 462 (1953), 43 U.S.C. § 1331 <i>et seq.</i> We are not treating these as separate statutes for purposes of this study. The Black Lung Benefits Act also incorporates certain LHWCA provisions and is discussed separately above.</p>	<p>order during any such proceedings; to issue subpoenas for, to administer oaths to, and to compel the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths; to examine witnesses; and to do all things conformable to law which may be necessary to enable him [effectively] to discharge the duties of his office.”¹</p> <p>Prior to 1972, hearing authority was vested in the Deputy Commissioner. In 1972, the LHWCA was amended to provide for the transfer of the hearing authority from the Deputy Commissioner to the Office of Administrative Law Judges. Pub. L. No. 92-576, 86 Stat. 1251(1972), 33 U.S.C. § 919(d). As such, an administrative law judge has all the powers and duties provided to a “deputy commissioner” under section 27 of the Act. See <i>Percoats v. Marine Terminal Corp.</i>, 15 BRBS 151, 153-154 (1982). This necessarily includes the authority, under section</p>	<p>forth the enforcement mechanisms and sanctions available for those individuals who fail to comply with a subpoena. Section 27(b) directs the "deputy commissioner" and the Board to certify the facts to the district court having jurisdiction in the place he is sitting. The district court will "in a summary manner hear evidence as to the acts complained of and if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if doing of the forbidden act had occurred with reference to the process of or in the presence of the court." 33 U.S.C. § 927(b).</p> <p>The ALJ regulations also provide for sanctions for individuals who do not comply with subpoenas. 29 C.F.R. §§ 18.6(d)(2), 18.24(d). Under § 18.1 of the regulations, however, “to the extent that these rules may be inconsistent with a rule of special application as</p>	<p>disclosure of information or materials)</p> <p>Other privacy/notification requirements, including the Right to Financial Privacy Act, Trade Secrets Act, or HHS Medical Privacy regulations, may apply in some cases.</p> <p>No specific notification procedures for district director [deputy commissioner] subpoenas.</p> <p>For ALJ subpoenas: If a party's written application for a subpoena is submitted three working days or less before the hearing to which it relates, a subpoena shall issue at the discretion of the Chief Administrative Law Judge or presiding administrative law judge, as appropriate. A motion to quash or limit the subpoena must be filed within ten days of receipt of a subpoena but no later than the date of the hearing. The person against whom the subpoena is directed may file a motion to quash or limit the subpoena, setting forth the reasons why the subpoena should</p>	<p>Act Procedure Manual, Part 3–Case Evaluation, <i>Procedures for reporting Fraud and Abuse</i> Chapter 3-700(5)(e)(3); Part 4--Case Adjudication, <i>Authority of the District Director</i> Chapter 4-400(11); Part 5--Medical, <i>Policy on medical fees</i> 5-500(4)(c)(1). [http://www2.dol.gov/dol/esa/public/regs/compliance/owcp/lspm01.pdf]</p> <p>OALJ: 29 CFR 18.24 (general ALJ subpoena regulations)</p> <p>OALJ subpoena guidance: OALJ subpoena guidance: http://www.oalj.dol.gov/subpoenas.htm</p> <p>Board: 29 C.F.R. § 802.103 Frequency of Use: District Director: DOL’s Employment Standards Administration/Office of Workers Compensation Programs/Branch of Hearings and Review does not maintain statistics on subpoena requests or denials.</p> <p>The Office of Administrative Law Judges estimates that 7065 subpoenas are issued in a typical year.</p>
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		Administrative Law Judges, the subpoena power also is a necessary component in the District Director's exercise of his investigative authority under section 19 and thus section 27(a)'s subpoena power also continues to reside with the district director.		For Benefits Review Board: No specific notification procedure.	
Department of Labor	Longshore and Harbor Workers Compensation Act (LHWCA) 33 U.S.C. 944, 20 C.F.R. § 702.147(b)	The Secretary of Labor is also charged with the administration of a "special fund" under § 44 of the Act, financed by covered employers and insurance carriers, which makes payments in certain cases including, cases in which an employer is awarded "special fund" relief because its liability has been augmented by an injured worker's pre-existing disability, and cases where compensation awards cannot be satisfied because of the insolvency of the employer. 33 U.S.C. 944. A separate grant of subpoena authority is given to the Secretary to administer the special fund. Section 44(c) provides that "for the purpose of any hearing or investigation related to determinations or the enforcement of the provisions of [§ 44], the provisions of section 9 and	The aid of any court of the United States can be invoked in requiring the attendance and testimony of witnesses and the production of documentary evidence, and individuals, partnerships or corporations "may be punished by such court as a contempt thereof." 15 U.S.C. § 49. Any person who disobeys an order of a district court to comply with a subpoena will "be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment." 15 U.S.C. § 50.	29 CFR Parts 70-71 (general DOL regulations governing privacy and disclosure of information or materials) Other privacy/notification requirements, including the Right to Financial Privacy Act, Trade Secrets Act, or HHS Medical Privacy regulations, may apply in some cases.	

		<p>10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U.S.C., title 15, secs. 49 and 50) are hereby made applicable to the jurisdiction, powers, and duties of the Secretary of Labor.” Section 49 provides the authority to issue subpoenas for the attendance of witnesses or the submission documentary evidence from any person, partnership or corporation being investigated against. 15 U.S.C. § 49. Such authority also applies for hearings and the taking of depositions during the course of an investigation.</p> <p><i>Id.</i></p>			
<p>Department of Labor</p>	<p>McNamara-O’Hara Service Contract Act, P. L. 89-286, 41 U.S.C. 353(a), 29 CFR 6.4, 6.6(b)</p>	<p>“Enforcement of chapter Sections 38 and 39 of this title [Walsh-Healey Act] shall govern the Secretary's authority to enforce this chapter, make rules, regulations, issue orders, hold hearings, and make decisions based upon findings of fact, and take other appropriate action hereunder.”(41 U.S.C. 353(a))</p> <p>“... The Secretary of Labor</p>	<p>“In case of contumacy, failure, or refusal of any person to obey such an order, any District Court of the United States or of any Territory or possession within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person who is guilty of contumacy, failure, or refusal is found, or resides or transacts business, upon</p>	<p>29 CFR Parts 70-71 (general DOL regulations governing privacy and disclosure of information or materials). 29 CFR 6.4</p> <p>DOL Employment Standards Administration’s Wage and Hour Division’s Field Operations Handbook, Section 86b.</p>	

		<p>or his authorized representatives shall have power to make investigations and findings as provided in sections 35 to 45 of this title..." (41 U.S.C. 38, incorporated by 41 U.S.C. 353(a))</p> <p>"Upon his own motion or on application of any person affected by any ruling of any agency of the United States in relation to any proposal or contract involving any of the provisions of sections 35 to 45 of this title, and on complaint of a breach or violation of any representation or stipulation as provided in said sections, the Secretary of Labor, or an impartial representative designated by him, shall have the power to hold hearings and to issue orders requiring the attendance and testimony of witnesses and the production of evidence under oath." (41 U.S.C. 39, incorporated by 41 U.S.C. 353(a))</p>	<p>the application by the Secretary of Labor or representative designated by him, shall have jurisdiction to issue to such person an order requiring such person to appear before him or representative designated by him, to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof[.]" (41 U.S.C. 39, incorporated by 41 U.S.C. 353(a))</p>		
Department of Labor	Migrant and Seasonal Farm worker Protection Act, P. L. 97-470, 29 U.S.C. 1862(b), 20 CFR 636.7.	"The Secretary may issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence in connection with such	"And in case of disobedience to a subpoena the [Secretary] may invoke the aid of any court of the United States in requiring the	15 U.S.C. 49, incorporated into 29 U.S.C. 1862(b). 29 U.S.C. 1862(b) (confidentiality)	29 CFR Parts 70-71

		<p>investigations. The Secretary may administer oaths, examine witnesses, and receive evidence. For the purpose of any hearing or investigation provided for in this chapter, the authority contained in sections 49 and 50 of title 15 [Federal Trade Commission Act], relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary. The Secretary shall conduct investigations in a manner which protects the confidentiality of any complainant or other party who provides information to the Secretary in good faith.” 29 U.S.C. 1862(b).</p> <p>“To carry out this chapter the Secretary, either pursuant to a complaint or otherwise, shall, as may be appropriate, investigate, and in connection therewith, enter and inspect such places (including housing and vehicles) and such records (and make transcriptions thereof), question such persons and gather such information to determine compliance with this chapter, or regulations prescribed under this chapter.” 29 U.S.C.</p>	<p>attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts ... may, in case of contumacy or refusal to obey a subpoena ... issue an order requiring such person, partnership, or corporation to appear before the [Secretary], or to produce documentary evidence ..., or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof..”</p>	<p>(general DOL regulations governing privacy and disclosure of information or materials)</p> <p>Other privacy/notification requirements, including the Right to Financial Privacy Act, Trade Secrets Act, or HHS Medical Privacy regulations, may apply in some cases.</p>	
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Department of Labor	Occupational Safety and Health Act, P. L. 91-596, 29 U.S.C. 657(b)	“In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath.”	“In case of a contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.”	29 CFR Parts 70-71 (general DOL regulations governing privacy and disclosure of information or materials) 29 CFR 1903.9 (Trade Secrets) 29 CFR 1913.10 (Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records) Other privacy/notification requirements, including the Right to Financial Privacy Act, Trade Secrets Act, or HHS Medical Privacy regulations, may apply in some cases.	OSHA Field Inspection Reference Manual, Chapter II, section A. 2. c. 3 (http://www.osha-slc.gov/Firm_osh_data/100006.html) OSHA Instruction ADM 4.4 AUG 19 1991 (http://www.osha-slc.gov/OshDoc/Directive_data/ADM_4_4.html)
Department of Labor	Program Fraud Civil Remedies Act, P.L. 99-509, 31 U.S.C. 3804, 29 CFR 22.4, 22.23	The Inspector General is the "investigating official" and can require the production of material similar to that which can be obtained under the IG Act - that is, records, data, etc. but not testimony. Under the PFCRA, there is a further limitation – the only data which can be subpoenaed	Enforced by petition of the Attorney General who can seek an order from the District Court where the person receiving the subpoena resides or conducts business. A failure to obey the order of the court is contempt.	No specific notification procedures. Subpoenas for records may be subject to the notification provisions of the Right to Financial Privacy Act and Medical Privacy Acts when they apply.	None

		<p>is that which is not otherwise reasonably available to the authority.</p> <p>Additionally the Act provides authority to the presiding officer of an Administrative hearing to subpoena documents and testimony.</p>			
<p>Department of Labor</p>	<p>Trade Act of 1974, P.L. 93-618, 19 U.S.C. 2321, 29 CFR 90.14</p>	<p>The Secretary of Labor may require by subpoena the attendance of witnesses and the production of evidence necessary to make a determination whether to certify a worker group as eligible to apply for assistance under the TAA and NAFTA-TAA programs. 19 U.S.C. 2321(a).</p>	<p>“If a person refuses to obey a subpoena issued under subsection (a) of this section, a United States district court within the jurisdiction of which the relevant proceeding under this part is conducted may, upon petition by the Secretary, issue an order requiring compliance with such subpoena.” 19 U.S.C. 2321(b). Enforcement is through DOJ. No specified sanctions.</p>	<p>Subpoenas under this section must be served either in person or by certified mail, return receipt requested, and the compliance date for the subpoenas must be no less than seven (7) days from the date of service.</p> <p>In practice, DOL’s Employment and Training Administration’s Office of Trade Adjustment Assistance (OTAA) uses this subpoena authority to obtain confidential business data necessary for determining whether a firm, for whose employees a petition for certification under TAA or NAFTA-TAA has been filed, has been impacted by imports or has shifted production to Canada or Mexico.</p> <p>29 CFR Part 90, provides for confidentiality of</p>	<p>In practice, subpoenas are used only as a last resort, when repeated requests for necessary business data have been refused or left unanswered by a firm whose data OTAA seeks. Typically, OTAA precedes the serving of a subpoena with the delivery to the firm in question of a “pre-subpoena” letter, warning the firm that a subpoena will be served if the firm does not provide the necessary data by a specific date. If the firm continues to refuse to provide the data or leaves the pre-subpoena letter unanswered, then OTAA serves a subpoena on the firm. The U.S. Department of Justice seeks enforcement on behalf of DOL.</p>

				<p>business data, which would include any data obtained via a subpoena. Specifically, 29 CFR 90.16(c) and (f) provide that published notices of affirmative and negative determinations, respectively, shall exclude confidential business information, as identified by the certifying officer (who is a staffer in the ETA Division of Trade Adjustment Assistance). Also, 29 CFR 90.32(b) states that confidential business information is not available to the public. Finally, 29 CFR 90.33 addresses confidential business information in detail. This provision defines confidential business information as trade secrets and commercial and financial information, which are obtained from a person and are privileged or confidential, as set forth in 5 U.S.C. 552(b) and 29 CFR Parts 70-71. Paragraph (b) of 29 CFR 90.33 requires that confidential business information be clearly identified as such on each page of a document containing such information. Finally, paragraph (c) of 29 CFR</p>	
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				<p>90.33 states that the certifying officer is entitled to refuse to accept certain information as confidential, but that the supplier is entitled to notice of the refusal and the right to withdraw the information if the certifying officer makes such a refusal.</p> <p>Other privacy/notification requirements, including the Right to Financial Privacy Act, Trade Secrets Act, or HHS Medical Privacy regulations, may apply in some cases.</p>	
Department of Labor	Uniformed Services Employment and Reemployment Rights Act of 1994, P.L. 103-353, 38 U.S.C. 4326(b).	“In carrying out any investigation under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation.”	Enforcement is by the Attorney General, at the request of the Secretary of Labor, in US District Court.	<p>29 CFR Parts 70-71 (general DOL regulations governing privacy and disclosure of information or materials)</p> <p>Other privacy/notification requirements, including the Right to Financial Privacy Act, Trade Secrets Act, or HHS Medical Privacy regulations, may apply in some cases.</p>	VETS USERRA Operations Manual, pages VI-5-9, VI-17-19.
Department of Labor	Veterans Employment Opportunities Act of 1998, Public Law 105-339, 5 U.S.C.. 3330a(b).	“In carrying out any investigation under this subsection, the Secretary may require by subpoena the attendance and	Enforcement is by the Attorney General, at the request of the Secretary of Labor, in US District Court. 5 U.S.C.	<p>29 CFR Parts 70-71 (general DOL regulations governing privacy and disclosure of information or materials)</p>	

		testimony of witnesses and the production of documents relating to any matter under investigation."	3330a(b)(3)-(4).	Other privacy/notification requirements, including the Right to Financial Privacy Act, Trade Secrets Act, or HHS Medical Privacy regulations, may apply in some cases.	
Department of Labor†	29 U.S.C. § 1401 Arbitration of disputes between employees and plan sponsors of multiemployer plans under ERISA	"Any arbitration proceedings under this section shall, to the extent consistent with this title, be conducted in the same manner, subject to the same limitations, carried out with the same powers (including subpoena power), and enforced in United States courts as an arbitration proceeding carried out under title 9"			
Department of Labor†	29 U.S.C. § 2004	Employee Polygraph Protection			
Department of Labor†	30 U.S.C. § 813	Mineral Lands and Mining Inspections (mandatory safety and health standards)			